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**RECORDS**  
**OF**  
**MASSACHUSETTS.**

**VOL. IV.—PART II.**

**1661.—1674.**



RECORDS  
OF  
THE GOVERNOR AND COMPANY  
OF THE  
MASSACHUSETTS BAY  
IN  
NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE.

EDITED BY  
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MEMBER OF THE MASSACHUSETTS HISTORICAL SOCIETY, FELLOW OF THE AMERICAN  
ACADEMY OF ARTS AND SCIENCES, AND MEMBER OF THE  
AMERICAN ANTIQUARIAN SOCIETY.

VOL. IV.—PART II.

1661—1674.



BOSTON:  
FROM THE PRESS OF WILLIAM WHITE,  
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1854.

*Car*

<sup>pt 2</sup>  
A. 3126



Brittle 12/27/06

Race - NO 12/4/06

To Brittle bks 12/5/06

## MARKS AND CONTRACTIONS.

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A Dash - (or straight line) over a letter indicates the omission of the letter following the one marked.

A Curved Line ~ indicates the omission of one or more letters next to the one marked.

A Superior Letter indicates the omission of contiguous letters, either preceding or following it.

A Caret ^ indicates an omission in the original record.

A Cross × indicates a lost or unintelligible word.

All doubtful words supplied by the editor are included between brackets, [ ].

Some redundancies in the original record are printed in *Italics*.

Some interlineations, that occur in the original record, are put between parallels, || ||.

Several characters have special significations, namely:—

@, — annum, anno.	õ, — mõ, month.
ā, — an, am, — curiā, curiam.	þ, — par, por, — þt, part ; þtion, portion.
ā, — mātate, magistrate.	p, — per, — pson, person.
þ, — ber, — numþ, number ; Roþt, Robert.	p, — pro, — pporcõn, proportion.
č, — ci, ti, — acčõn, action.	p̄, — pre, — p̄sent, present.
čõ, — tio, — jurisdicčõn, jurisdiction.	q, — qstion, question.
č, — cre, cer, — ads, acres.	q̄, — esq̄, esquire.
č̄, — č̄č̄, delivered.	ř, — Apř, April.
č̄, — Trčr, Treasurer.	š, — š, session ; šd, said.
č̄, — committč̄, committee.	š, — ser, — švants, servants.
ḡ, — ḡñal, general.	ř, — ter, — neuř, neuter.
h, — chr, charter.	ř, — capř, captain.
ī, — begīg, beginīg, beginning.	ũ, — uer, — seũal, seueral.
ł, — łre, letter.	ũ, — abouũ, aboue, above.
m̄, — mm, mn, — com̄ittee, committee.	ŵ, — ver, — seŵal, several.
m̄, — recoñdačõn, recommendation.	ŵ, — ŵn, when.
m̄, — mer, — form̄ly, formerly.	y <sup>e</sup> , the ; y <sup>m</sup> , them ; y <sup>n</sup> , then ; y <sup>r</sup> , their ; y <sup>s</sup> , this ; y <sup>t</sup> , that.
m̄, — month.	z, — us, — vilibz, vilibus.
n̄, — nn, — Peñ, Penn ; año, anno.	ℓ, — es, et, — statutℓ, statutes.
n̄, — Dñi, Domini.	ℓ̄, &℄, &c <sup>a</sup> , — et cætera.
n̄, — ner, — manñ, manner.	viz <sup>ℓ</sup> , — videlicet, namely.
õ, — on, — mentiõ, mention.	/, — full point.



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( v )



# THE COLONY RECORDS.

1661—1674.



# MASSACHUSETTS RECORDS.

## THE RECORDS OF THE COLONY OF THE MASSACHUSETTS BAY IN NEW ENGLAND.

[The following pages conclude the fourth volume of the Massachusetts Records. The original manuscript is in the handwriting of Mr. Edward Rawson, secretary of the colony. The names of those who were admitted to the freedom of the colony are placed, for convenience, at the end of the volume.]

*\*Att a Generall Court of Election, held at Boston, 22<sup>th</sup> May, 1661.* 1661.

**J**OHAN ENDECOTT, Esq<sup>r</sup>, was chosen Gofino<sup>r</sup> for y<sup>e</sup> yeere, & tooke his oath in open Court.

Richard Bellingham, Esq<sup>r</sup>, was chosen Dep<sup>t</sup> Gofino<sup>r</sup>, & tooke his oath.

Mr Symon Bradstreet,

Mr Samuell Symonds,

Cap<sup>t</sup> Thō Wiggins,

Cap<sup>t</sup> Dan<sup>i</sup> Gookin,

Maj<sup>r</sup> Ge<sup>n</sup> Daniel Dennison,

Maj<sup>r</sup> Symon Willard,

Maj<sup>r</sup> Humph Atherton,

Mr Richard Russell,

Mr Thō Danforth,

} Comissioner for y<sup>e</sup> Collonjes.

} Comissioner for y<sup>e</sup> Collonje.

were chosen Assistants, & tooke yeire oathes.

Majo<sup>r</sup> Gennerall, & 2<sup>d</sup> Comission<sup>r</sup> in case

Tresurer. [of reserv.

Edward Rawson was chosen Secretary.

Mr W<sup>m</sup> Hawthorn 1 Comissioner in case of reserve.

22 May.

[\*367.]

The names of the Deputjes returned to serve at this Court from the seuerall townes were, —

From Salem: Maj<sup>r</sup> W<sup>m</sup> Hawthorne, Mr Edmond Batter.

From Charls Toune: Cap<sup>t</sup> Frauncis Norton, Left Richard Sprauge.

From Dorchester: Left Roger Clapp, Ensig Hopestill Foster.

From Boston: Cap<sup>t</sup> Thomas Sauage, Mr Edward Tyng.

From Roxbury: Mr W<sup>m</sup> Parkes, John Ruggles.

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From Water Toune : Cap<sup>t</sup> Hugh Mason, M<sup>r</sup> Ephraim Child.

From Lynn : M<sup>r</sup> Thomas Layton.

From Cambridg : M<sup>r</sup> Edw<sup>o</sup> Collins, M<sup>r</sup> Rich Jackson.

From Ipsuich : M<sup>r</sup> Joseph Medcalfe, M<sup>r</sup> Georg Gittings.

From Newbury : M<sup>r</sup> Henry Seawall.

From Weimouth : M<sup>r</sup> Th<sup>o</sup> Dyer.

From Concord : M<sup>r</sup> Th<sup>o</sup> Brookes.

From Dedham : Cap<sup>t</sup> Eliazer Lusher, Ensign Dan<sup>i</sup> Fish<sup>r</sup>.

From Springfield : M<sup>r</sup> Elitzur Holiocke.

From Salisbury : Cap<sup>t</sup> Th<sup>o</sup> Bradbury.

From Hampton : W<sup>m</sup> Fuller.

From Rouley : John Pickard.

From Braintry : M<sup>r</sup> Peter Brackett.

From Douer : Cap<sup>t</sup> Rich Walderne.

From Portsmouth : Cap<sup>t</sup> Brjan Pendleton.

From Woobourne : Cap<sup>t</sup> Edw<sup>o</sup> Johnson.

From Kittery : Left Charles Frost.

From Yorke : M<sup>r</sup> Edw<sup>o</sup> Ruchworth.

From Redding : W<sup>m</sup> Coudrey.

From Maulden : M<sup>r</sup> Joseph Hills.

From Hadley : M<sup>r</sup> Sam<sup>l</sup> Smith.

Maj<sup>or</sup> W<sup>m</sup> Hawthorne was chosen Speaker for this session.

Wolves.  
Law ab<sup>t</sup>  
woolves.

Beside all other considerations & provitions for the destruction of wolves, it is ordered by this Court & the authoritje thereof, that euery such Indian or Indians as shall any way destroy any wolfe or wolves, & deliuer the heads of such wolves vnto the selectmen of any tounship in this jurisdiction, shall receive of such selectmen either two pound of pouder & eight pound of shott, or one pounds of pouder & four pounds of shott & fve shillings in corne or other pay, or else they shall receive of the country Tresurer tenn shillings a head, & no pouder & shott, w<sup>th</sup> such Indian will choose ; and such selectmen as shall pay any Indian according to this order shall rebate it out of theire next country rate w<sup>th</sup> the Tresurer, any law or custome to the contrary notw<sup>th</sup>standing ; and all selectmen or others that by virtue of this order, or any other, that shall make payment for any wolves, shall cutt of the eares of all such wolves heads, & cause them to be buried, that so none may be twice paid for.

[\*368.]

\*This Court, being desirous to try all meanes, w<sup>th</sup> as much lenity as may consist w<sup>th</sup> our safety, to prevent the intrusions of the Quakers, who, besides

theire absurd & blasphemous doctrine, doe, like rouges & vagabonds, come in vpon vs, & haue not bin restrained by the lawes already provided, haue ordered, that euery such vagabond Quaker found w<sup>th</sup> in any part of this jurisdiction shall be apphended by any person or persons, or by the connstable of the toune wherein he or she is taken, & by the connstable, or, in his absence, by any other person or persons, conveyed before the next magistrate of that sheire wherein they are taken, or co<sup>m</sup>missioner invested w<sup>th</sup> magistratticall power, &, being by the sajd magistrate or magistrates, co<sup>m</sup>missioner or co<sup>m</sup>missioners, adjudged to be a wandering Quaker, viz<sup>t</sup>, one that hath not any dwelling or orderly allowance as an inhabitant of this jurisdiction, & not giving ciuil respect by the vsuall gestures thereof, or by any other way or meanes manifesting himself to be a Quaker, shall, by warrant vnder the hand of the sajd magistrate or magistrates, co<sup>m</sup>missioner or co<sup>m</sup>missioners, directed to the connstable of the toune wherein he or she is taken, or in absence of the connstable or any other meete person, be stripped naked from the middle vpwards, & tjed to a carts tayle, & whipped thro<sup>u</sup> the toune, & from thence imediately conveyed to the connstable of the next toune towards the borders of our jurisdiction, as theire warrant shall direct, & so from connstable to connstable till they be conveyed thro<sup>u</sup> any the outward most townes of our jurisdiction. And if such vagabond Quaker shall returne againe, then to be in like manner apphended & conveyed as often as they shall be found w<sup>th</sup> in the limitts of our jurisdiction, provided euery such wandering Quaker, hauing beene thrice convicted & sent away as abouesajd, & returning againe into this jurisdiction, shall be apphended & co<sup>m</sup>mitted by any magistrate or co<sup>m</sup>missioner as abouesajd vnto the house of correction w<sup>th</sup> in that county wherein he or shee is found untill the next Court of that county, where, if the Court judge not meete to release them, they shall be branded w<sup>th</sup> the letter R on their left shoulder, & be severely whipt & sent away in manner as before; and if after this he or shee shall returne againe, then to be proceeded against as incorrigible rogues & ennemys to the co<sup>m</sup>on peace, & shall imediately be apphended & co<sup>m</sup>mitted to the co<sup>m</sup>on jayle of the country, and at the next Court of Asistants shall be brought to their tryall, & proceeded ag<sup>t</sup> according to the lawe made anno 1658, page 36, for their banishment on payne of death. And for such Quakers as shall arise from amongst ourselves, they shall be proceeded ag<sup>t</sup> as the former lawe of anno 1658, page 36, doth provide, vntill they haue beene convicted by a Court of Asistants; & being so convicted, he or shee shall then be banished this jurisdiction; & if after that they shall be found in any part of this jurisdiction, then he or shee so sentenced to banishment shall be proceeded against as those that are straingers & vagabond Quakers in manner as is aboue

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22 May.

Order ab<sup>t</sup> Quakers.

1661.

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expressed. And it is further ordered, that whatsoever charge shall arise about apprehending, whipping, conveying, or otherwise, about the Quakers, to be layd out by the constables of such townes where it is expended, & to be repaid by the Tresurer out of the next country levy; & further, that the constables of the severall townes are hereby empowered from tyme to tyme, as necessity shall require, to impresse cart, oxen, & other assistance for the execution of this order.

[\*369.]

Secretarys  
oath.

\*Whereas yow, E: R:, are chosen secretary for the yeare ensuing, yow doe heere sweare by the everliuing God, that yow will in all things faithfully demean yourself in the said office; that yow will truly & vprightly, according to your best skill & wisdom, frame all acts & instruments of publicque concernment referring to your office, duely observing such directions as shall from time to tyme be given vnto yow by the Generall Court or councill of this common-weale, & fairely record & safely keepe the same; that yow will not disclose the consultations of the Generall Court where at any tyme yow shall haue expresse charge of secresy, nor of the councill where at any time yow shall haue like charge of secresy; that you will, without delay, impart to the Go<sup>o</sup> or Dep<sup>t</sup> Go<sup>r</sup> w<sup>e</sup>uer letters or information shall come to yo<sup>r</sup> hand referring to yo<sup>r</sup> office, & of publicque concernment to the common weale, Generall Court, or councill; & that yow will not wittingly or willingly exceed the lymits of yo<sup>r</sup> place.

Law ab<sup>t</sup> peage  
repealed.

On observation of much inconvenience of the lawe for payment of forty shillings in wampampeage in satisfaction of debts & payments, except to the Tresurer, page 78, it is ordered by this Court & the authoritje thereof, that the said lawe be henceforth repealed.

Persons ex-  
empted from  
constables  
watches.

The Court, vnderstanding there is much inæquallity in y<sup>t</sup> diuers are freed from those watches whereof all doe receive equall benefitt, for an explication of the law concerning constables watches, doe order, that the Magistrates, Deputjes of this Court for the time being, elders of churches, the publicke sworne officers of the country, w<sup>th</sup> the comission officers in each trayned band, be freed from all ordinary watches & wards of the constables, & no other persons, excepting such person as shall haue speciall & personall freedome by order of this Court, any former order, graunt, or custome notwithstanding.

Order ab<sup>t</sup>  
printing.

Itt is ordered, & by this Court declared, that the order made in the third moneth, 1654, appointing the printing of the generall orders of Court of each session w<sup>th</sup>in tenn dajes, be againe revived, & be in force so farr as it refers to the annuall printing of lawes, any lawe to y<sup>e</sup> contrary notwithstanding.

Comittee to  
p<sup>r</sup>use y<sup>e</sup> laues.

It is ordered, that the Dep<sup>t</sup> Go<sup>r</sup>, Maj: Gen<sup>l</sup> Atherton, both or either of

them, w<sup>th</sup> the secretary, M<sup>r</sup> Edward Ting, & M<sup>r</sup> Joseph Hills, shall be a committee to pervse such lawes as are vnprinted & vnrepealed, & comitt them to the presse, so farr as they shall judge convenient, & that such as are not meete to be printed be transcribed by the secretary, to be sent to the seuerall townes. 1661.

22 May.

It is ordered, that Cap<sup>t</sup> Frauncis Norton & M<sup>r</sup> Edward Tyng be a committee, & impowred to take the generall survejo<sup>rs</sup> account respecting armes & amunition, & to make returne of what they finde therein to the next session of Court. Committee to take the sur-  
vejors account.

It is ordered, that Cap<sup>t</sup> Eliazer Lusher & Cap<sup>t</sup> W<sup>m</sup> Torrey shall & hereby are impowred, in theire respective townes, w<sup>th</sup> magistratticall power for examination, conviction, & proceeding ag<sup>t</sup> vagabond Quakers, according to the lawe enacted ag<sup>t</sup> such persons by this Court. Cap<sup>t</sup> Lusher  
& Torrey power  
ab<sup>t</sup> Quakers.

Att the request of M<sup>r</sup> George Carre, as an explication of this Courts graunt to him in October, 1660, this Court declareth, that the liberty graunted him of being rate free for the bridge ouer Salisbury Riuer is to be vnderstood & taken as freeing him from any tax relating to town & country by reason of the benefitt that accrueth to him from the sajd ferry & bridge, the maintenance to the ministrye there excepted, so as the bridge be not accounted in value to that rate aboue thirty pounds, & that the minister of Salisbury & his family, from tyme to tyme, be ferry free, & that the graunt of one hundred & fifty acres of land, during the bridges standing, is and shall be vnderstood & taken, y<sup>t</sup> the sajd George Carre shall enjoy the propriety of one hundred & fifty acres of land, to him, his heires & assignes, vntill such time as he or they shall vtterly relinquish or neglect the repaire & maintenance of the sajd bridge. Ans<sup>r</sup> to George  
Carrs request.

\*This Court taking notice of a booke entituled the Christian Comon-wealth, written, as is expressed in the sajd booke, by M<sup>r</sup> John Elliot, of Roxbury, in New England, which in sundry passages & expressions thereof is justly offenciuē, & in speciall relating to kingly gouernment in England, the w<sup>ch</sup> the sajd M<sup>r</sup> Elliot hath also freely & fully acknowledged to this Court, it is therefore ordered by this Court & the authority thereof, that the sajd booke be totally suppressed, & the authors acknowledgment recorded, and that all persons whatsoever in this jurisdiction that haue any of the sajd bookes in theire custody, shall, on theire perrills, w<sup>th</sup>in fowerteene dajes after publication hereof, either cancel & deface the same, or deliuer them vnto the next magistrate or to the secretary, whereby all farther divulgment & improouement of the sajd offenciuē booke may be prevented. [\*370.] Courts censure  
of M<sup>r</sup> Elliots  
Xtian Comon-  
wealth.

And it is further ordered, that M<sup>r</sup> Elliots acknowledgment, & the Courts

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22 May.

order for the calling in of those bookes, be forthwith transcribed by the secretary, & caused to be posted vp in Boston, Charls Toun, Cambridg, Salem, & Ipsuich, that so all persons concerned therein may take notice of their dutjes, & act accordingly. All w<sup>ch</sup> was done accordingly.

Boston, this 24 of y<sup>e</sup> 3<sup>d</sup> m, 1661.

M<sup>r</sup> Eliots acknowledgedm<sup>ts</sup>,  
word for words.

Vnderstanding by an act of the honored council that there is offence taken at a booke published in England by others, the copie whereof was sent ouer by myself about nine or tenn yeares since, and that the further consideration thereof is comended to this honnored Generall Court, now sitting at Boston, — vpon pervsall thereof I doe judge myself to haue offended, & in way of satisfaction, not only to the authority of this jurisdiction, but also vnto any others that shall take notice thereof, I doe hereby acknowledg to this honored Court such expressions as doe too manifestly scandalize the goument of England, by King, Lords, & Co<sup>m</sup>ons, as anti Christian, & justify the late innovato<sup>rs</sup>. I doe sincerely beare testimony against, and acknowledg it to be, not only a lawfull, but an eminent forme of gouernment.

2. All formes of ciuil goument deduced from Scripture, either expressely or by just consequence, I acknowledg to be of God, & to be subjected vnto for conscience sake; and whatsoever is in the whole epistle or booke inconsisting herewith, I doe at once for all cordially disoune.

JOHN ELIOT.

Ans<sup>r</sup> to M<sup>r</sup>  
Symonds peti-  
con, 800 acres.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Samuel Symonds, that his 500 acres graunted him to be in an island in Casco Bay, 18 8 m, 59, & his 160 acres graunted him y<sup>e</sup> same Court at Northwotocke, might be made eight hundred acres, to be lajd out in one or two places where it cann be found free of former graunts, the Court judgeth it meete to graunt his request.

Ans<sup>r</sup> to M<sup>r</sup>  
Corlets peti-  
con.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Eljjah Corlett, the Court judgeth it meete to graunt the petitioner liberty to purchase of Netus, the Indian, so much land as the sajd Netus, sajd Indian, is possessed of, according to lawe, for the sattisfaction of the debt due to y<sup>e</sup> petitioner from sajd Netus, & that Edmond Rice, Señ, & Ensigne Thomas Noise, of Sudbury, be appointed to apprise the land to the petitioner for his sattisffaction, & determine the proportion & bounds thereof, making a returne to this Court to be confirmed, or otherwise to be recorded in the county of Midlese<sup>x</sup>.

Ans<sup>r</sup> to Wil-  
kins & Gingley  
peti<sup>ons</sup>, Wills  
Hill to belong  
to Salem

In answer to the petition of Bray Wilkins & John Gingle, humbly desiring that the farme called by the name of Wills Hill, w<sup>ch</sup> this Court graunted to y<sup>e</sup> wo<sup>r</sup>p<sup>l</sup> Richard Bellingham, Esq<sup>r</sup>, & they purchased of him, may be lajd

to and appointed to belong to Salem, being nigh its lands & y<sup>e</sup> petitioners of y<sup>e</sup> society, &c, the Court judgeth it meete to graunt theire request. 1661.

\*Vpon this Courts information of the want of a setled, able, & orthodoxe ministry in some places of this jurisdiction, especially relating to the county of Yorke, viz., Wells, Saco, & Scarborough, the accomplishment whereof, through Gods blessing, might proove an effectuall remedy for healing & preventing much disorder, ignorance, & prophanesse, it is therefore ordered by this Court & the authoritje thereof, that the inhabitants of the tounes aforesajd, viz<sup>t</sup>, Wells, &c, shall, w<sup>th</sup>in sixe moneths tyme after notice giuen them thereof, vse theire vtmost endeavo<sup>r</sup>s to procure some able & pious ministers to carry on the worke of God amongst them, in the due performance whereof, if the sajd places, or any of them, shall be found deficijnt, they will necessitate this Court to put forth the exercise of theire power to make such provition for theire future supply as the laues of this jurisdiction in such cases doth require.

In answer to the petition of the inhabitants of y<sup>e</sup> toune of Newbury, the Court, hauing heard the petitioners in behalfe of the toune of Newbury & M<sup>r</sup> Woodman, relating to Newbury l<sup>j</sup>ne, & this Courts graunt of a farme of three hundred acres of land in October last, finding that the l<sup>j</sup>ne of Newbery bounds being, for at least twenty yeares, lajd out & adjoyning to Rouley lyne, & perambulated according to order of this Court, shall be & remajne to Newbury w<sup>th</sup>out any further challenge or clajme from any toune or person, and that M<sup>r</sup> Woodmans graunt as to y<sup>t</sup> place is heereby declared null & voyd, M<sup>r</sup> Woodman hauing consented thereto, yet are willing to allow M<sup>r</sup> Woodman his three hundred acres formerly graunted in any free place not formerly graunted, & not hindering a plantation.

Henry Batchiler & his wife, by an act of Ipsuich Court comended to this Courts consideration, hauing binn formerly presented, for theire absenting themselves from publicke wo<sup>r</sup>pp, &c, whither y<sup>e</sup> toune of Ipsuich might not dispose of him & his farme, so as he may liue in the toune, & enjoy his estate & y<sup>e</sup> publick wo<sup>r</sup>pp of God, the Court judgeth it meete hereby to empower the County Court of that sheire so to dispose of the persons aboue mentioned & theire estates as they shall judge most conduceable to theire present & future good.

In answer to the peti<sup>c</sup>on of Th<sup>o</sup> Dyer, the Court judgeth it meete to graunt the petitioner liberty to set his tainters in the prison greene during the pleasure of this Court.

Joseph Jencks, Ju<sup>n</sup>, being accused & bound ouer to this Court for high misdemeano<sup>r</sup> in diuers treasonable words ag<sup>t</sup> the kings maj<sup>ty</sup>, w<sup>ch</sup>, vpon exami-

22 May.

[\*371.]

Courts order  
ab<sup>t</sup> ministry at  
Wells, Saco,  
&c.

Newbury lyne  
M<sup>r</sup> Woodmans  
farme of 300  
ac<sup>r</sup>s.

Courts order to  
dispose of  
Hen. Batchi-  
ler.

Ans<sup>r</sup> to Tho.  
Dyers peti<sup>c</sup>on.

Joseph Jencks,  
Jun., dis-  
charge.

1661.

22 May.

nation, he vtterly disounes, neither doeth it appeare that the same cann be legally proved ag<sup>t</sup> him, only in part, for w<sup>ch</sup> he presenteth & pleadeth the kings gracious act of indempnity, this Court therefore dischardgeth him from his imprisonm<sup>t</sup>.

Rachel Lang-  
ton set free.

In the case of Rachell Langton, or Verney, the Court judgeth it meete to declare, that she is free from hir late husband, Joseph Langton.

Kings dis-  
charge from his  
banishm<sup>t</sup>.

Whereas W<sup>m</sup> King, late Quaker, and bannished this jurisdiction, on pajne of death, returning w<sup>thout</sup> leaue into it, being brought before the Court of Asistants at Boston, in March last, declared how much he, by the rich grace and mercy of God, was now brought to loath & abhorr himself for his sinfull & shamfull practises ag<sup>t</sup> authoritje here established, the Court judged it meete, for the encouragement of such that shall returne from those principles & wayes of Sathan & death, to remitt him as to his further trjall to this Generall Court, & tooke security for his appearance before this Court, where, hauing made his acknouledgment in his petiçon on the other side, w<sup>ch</sup> is on file, this Court judgeth it meete to release & discharge him from the sentence of banishment & death, & his suretjes of theire bond, & set him in statu quo w<sup>th</sup> the rest of the inhabitants, to follow his calling for his oune & familys subsistance.

[\*372.]

Elizabeth  
Palmer freed  
ab<sup>t</sup> adultery.

\*The Court, hauing considered of the evidences produced ag<sup>t</sup> Elizabeth Palmer, doe judge that she is not legally guilty of adultery, & therefore doe dischardge hir, leaving hir to the Court at Yorke to be punished for hir drunkenes.

Ans<sup>r</sup> to M<sup>r</sup>  
Parkers peti-  
çon.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Richard Parker, the Court judgeth it meete to graunt that his sixe hundred acres w<sup>ch</sup> he purchased of y<sup>e</sup> late Survejo<sup>r</sup> Johnson & of M<sup>r</sup> W<sup>m</sup> Parks, be lajd out in one place, i. e., at the furthest end of Henry Adams.

Isle of Shoales  
called Aple-  
doore, & im-  
powered to act  
as other  
tounes.

For the better settling of order in the Isle of Shoales, it is ordered by this Court, that henceforward the whole islands appertaining there vnto w<sup>ch</sup> doe lye partly in the county of York, & the other parte in the jurisdiction of Douer & Portsmouth, shall be reputed & hereby allowed to be a touneship, called Apledoore, & shall haue æquall power to regulate theire toun affaires as other tounes of this jurisdiction haue.

Ans<sup>r</sup> to Cap<sup>t</sup>  
Pendleton pe-  
tition on re-  
quest.

In ans<sup>r</sup> to the request of Cap<sup>t</sup> Brjan Pendleton, the Court judgeth it meete to order, that the selectmen of Portsmouth & Douer doe forthwith, by an assessment on the inhabitants, collect & gather the some of tenn pounds eight shillings & fower pence out of each toun, & deliuer the same to the sajd Brjan Pendleton, as satisfaction for so much by him expended on a frozen person, some yeares past, y<sup>t</sup> came into that riuer, whose charity this

Court judgeth it meete to encourage, & orders his satisfaction as aboue is exprest. 1661.

In ans<sup>r</sup> to the petition of Edward French, of Salisbury, the Court judgeth it meete to declare, that the petiçoner may seeke releife ag<sup>t</sup> Samuell Hall at the County Court either for better security or damages.

22 May.  
Ans<sup>r</sup> to Edw.  
French peti-  
çon.

In ans<sup>r</sup> to the motion & request of W<sup>m</sup> Parkes, one of the executors of y<sup>e</sup> last will & testament of the late worthy Thomas Dudley, Esq<sup>r</sup>, the Court judgeth it meete to referr the case mentioned in his request, w<sup>ch</sup> is on file, to the determination of the County Court of Suffolke.

Courts ans<sup>r</sup> to  
W<sup>m</sup> Parkes  
motion.

In ans<sup>r</sup> to the petiçon of Walter Palmer & John Minor, this Court, on its comittees pervsall of the originall graunt of the Generall Court of Conecticot, bearing date 11<sup>th</sup> September, 1651, vnto the toune of Naomeage, now called New London, together w<sup>th</sup> the seuerall graunts of the sajd toune to the petitioners, & the agreement betwene the comissioners of the Vnited Colonjes touching the diuission of the Pequot country to the colonjes of the Massachusetts & Hartford, wherein all former graunts & possessions are reserved to the grauntees vpon the whole, judg meete to order, that M<sup>r</sup> John Tincker and Cap<sup>t</sup> George Dennison be appointed & desired to runne the lynes in question according to the first graunt, & make certifficat thereof to this Court the next session, to be recorded; and if it doe appeare vpon the running of this lne by the sajd comittee that the land graunted to the petitioners is included w<sup>th</sup>in the first graunt, then the petitioners are quietly to enjoy the same, & being confirmed to them by this Court, provided that the graunt to the colledg take place in the next adjacent free lands.

Courts ans<sup>r</sup> to  
Palmer & Mi-  
nors petition.

Whereas John Warren was sumoned to this Court by Cap<sup>t</sup> Richard Walderne, to answer for his falling of timber off of the Shrewsbery mens parts or diuissions, & wajting here fowerteene dajs besides his coming & going home, & none appearing ag<sup>t</sup> him, this Court judgeth it meete to referr it to y<sup>e</sup> next County Court at Hampton, to giue him due costs, on prooffe y<sup>t</sup> he was sumoned by sd Cap<sup>t</sup> Walderne.

John Warrens  
costs.

\*Wee, whose names are subscribed, being appointed & impowred by the Generall Court in October, 1659, for the examination of the proceedings about Groaten plantation, & the intanglements that haue obstructed the planting thereof hitherto, hauing taken paines to travajle vnto the sajd place & examine the records of former proceedings in that place, also the capacity of the sd place for the enterteining of a meete nnumber of persons that may carry on the affaires of a toune, doe apphend (according to w<sup>t</sup> information wee haue had) that the place will afford a comfortable accomodation for sixty familjes at least, that

[\*373.]

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may subsist in a way of husbandry; and for such families as be there already planted, w<sup>ch</sup> are not above fower or five acres, wee doe not finde that theire interest in such lands as they claime is legall & just, nor yet consistent w<sup>th</sup> the Courts ends in theire graunt of the sajd plantation.

And for the further encouragement of such as haue now a desire, &c, doe present themselves as willing to plant themselves in that place, —

Wee craue leaue humbly to leaue our apphentions w<sup>th</sup> this honored Court, as followeth: —

Co<sup>m</sup>mittees re-  
turned ab<sup>o</sup>  
Groaten &  
Courts order.

1. That the old planters & theire assignes, whose names are John Tincker, Rich Smith, W<sup>m</sup> Martyn, R<sup>i</sup> Blood, Rob<sup>t</sup> Blood, & J<sup>n</sup><sup>o</sup> Lakin, that they reteine & keepe as theire propriety, (of such lands as they now claime an interest in,) each of them, only twenty acres of meadow, twenty acres for the house lott, tenn acres intervale land, & tenn acres of other vplands, & that the same be sett out by a co<sup>m</sup>ittee, so as may not vnequally prejudice such as are or may be theire neighbors.

2. That the neere lands & meadowes be so diuided as may accomodate at least sixty families; & for that end, that the first diuision of lands be made in manner following, viz.: such as haue one hundred & fifty pounds estate shall be allowed equall w<sup>th</sup> old planters above, & that none exceed & y<sup>t</sup> none haue lesse then tenn acres for theire house lott, & five acres of meadow, two & a halfe acres of intervale, & two & a half of other lands, for planting lotts in theire first diuision, & that none be admitted to haue graunts of lotts there but on conditions following, viz<sup>t</sup>: —

1. That they goe vp w<sup>th</sup> theire families w<sup>th</sup>in two yeeres after theire graunts, on penalty of forfeiting theire graunts againe to the toune, & so many tenn shillings as they had acres graunted them for theire house lotts, & that the like injunction be putt vpon those above named as old planters.

2. That all toune charges, both civil & ecclesiasticall, be leyed according to each mans graunt in this first diuision of lands, for seuen yeares next ensuing, excepting only such whose stocks of late shall exceed one hundred & fifty pounds estates.

3. That the power of admission of inhabitants & regulating the affaires of the sajd place be referred to a co<sup>m</sup>ittee of meete persons impowred by this Court thereto, vntill the plantation be in some good measure (at least) filled w<sup>th</sup> inhabitants, & be enabled regularly & peaceably to carry on y<sup>e</sup> same themselves.

4. That this honoured Court be pleased to graunt them imunitjes, (all comon & ordinary country charges,) not exceeding a single rate or a rate & a half p annū, for three yeares next ensuing.

5. That in graunting of lotts, children haue theire due consideration w<sup>th</sup> estates, theire parents giving securitjes to defray y<sup>e</sup> charges of the place, as is before p<sup>m</sup>ised.

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TH<sup>o</sup> DANFORTH,  
EDWARD JOHNSON,  
EPHR: CHILD.

The Court approoves of & doe confirme the returne of the co<sup>m</sup>itte, & doe hereby further order & impower the aforesajd co<sup>m</sup>itte for the ends aboue mentioned, vntill meete men be found amongst such as shall inhabitt there, and be approved of by a County Court.

\*In ans<sup>r</sup> to the petition of seuerall inhabitants of Hampton, complayning ag<sup>t</sup> Edward Colcord for scandalous living by cheating & cousening, vilefyng magistrates, &c, as in y<sup>e</sup> s<sup>d</sup> peti<sup>c</sup>on is exprest, the Court judgeth it meete to referr the examination of the complaint to the County Court at Hampton, & if by due prooffe found to be true, they are impowred to punish him according to his demeritts. [\*374.] Courts order ab<sup>t</sup> Colcord.

In ans<sup>r</sup> to the petition of M<sup>r</sup> George Cleaues, the Court judgeth it meete to order that Henry Jocelyn, Esq<sup>r</sup>, Cap<sup>t</sup> Brian Pendleton, & Cap<sup>t</sup> Richard Waldern be a co<sup>m</sup>itte & impowred, repaying to Falmouth at such time as any two of them shall appoint, then & there to examine the ground of the seuerall complaints exhibited against M<sup>r</sup> Jordon, su<sup>m</sup>oning wittnesses, giving oathes, & what else is necessary referring to the case, & what shall be concluded on by any two of them to be reported by them to the next session of this Court in October next. Ans<sup>r</sup> to M<sup>r</sup> Cleaues peti<sup>c</sup>on.

W<sup>m</sup> Ballantine being convicted before this Court for counterfetting the seale of the packer, to the great dishonno<sup>r</sup> of God, reproach of the country, & wrong to sundry persons, this Court doth sentence him to pay, as a fine to the country, one hundred pounds, to stand in the pillory one hower, & one of his eares nayled to the pillory & cutt of, & to sattisfy the partjes wronged treble damages. W<sup>m</sup> Ballantines sentence.

In ans<sup>r</sup> to the peti<sup>c</sup>on of Hanah Ballantine, the wife of W<sup>m</sup> Ballantine, the Court judgeth it meete to grant hir request, & reuerseth y<sup>t</sup> part of y<sup>e</sup> sentenc respecting y<sup>e</sup> cutting of of hir husbands eare.

On the motion of the inhabitants of the new plantation nere North-hampton, relating to sundry particulars, it is ordered by this Court, that the s<sup>d</sup> toune shall be called Hadley, and that for the better gouernment of the people, & suppressing of sinns there, some meete persons, annually New toune aboue Springfeild, called Hadley, theire power.

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presented by the freemen vnto this, shall be comissioned & empowred to act in seuerall services as followeth: first, the sajd comissioners, together w<sup>th</sup> the comissioners of Springfield and Northampton, or the greater part of them, shall haue liberty & be impowred to keepe y<sup>e</sup> Courts appointed at Springfield & Northampton; secondly, that the sd comissioners for Hadley shall & are hereby empowred, w<sup>th</sup>out a jury, to heare & determine all ciuil actions not exceeding fīue pounds; 3<sup>dly</sup>, that the sajd comissioners for Hadley shall & are heereby empowred to deale in all criminall cases according to laue, where the penalty shall not exceed tenn stripes for one offence; provided, that it shall be lawfull for any person sentenced by the sajd comissioners, either in ciuil or criminall cases, to appeale to the Court at Springfield or Northampton; fourthly, that the persons for the yeare ensuing, & till others be nominated & chosen, for the toun of Hadley, appointed & authorized as aforesajd, are, Andrew Bacon, M<sup>r</sup> Samuell Smith, & M<sup>r</sup> W<sup>m</sup> Westwood; 5<sup>thly</sup>, that the comissioners hereby appointed shall take theire oathes before Cap<sup>t</sup> Pinchon for the faithfull discharge of theire duty therein, who is hereby authorized to administer the same vnto them. It is also ordered by this Court, that the jury men freemen for trialls at Springfield & Northampton Courts shall take information & make presentm<sup>ts</sup> to y<sup>e</sup> Court of misdemeanors, as grand jury men vsually doe, or ought to doe, and that the clarke of the Court for Springfield & Northampton send forth warrants to the three tounes for jury men, w<sup>th</sup> respect to the ease of travill to each Court, & y<sup>t</sup> M<sup>r</sup> John Russell, Señ, be clarke of y<sup>e</sup> writts for Hadley, & y<sup>t</sup> M<sup>r</sup> Westwood, or, in his absence, one of the other comissioners, are hereby authorized to joyne persons in marriage at Hadley.

[\*375.]

Hog Island  
granted to  
Gofin<sup>r</sup> Endecott.

\*In ans<sup>r</sup> to the request of our honored Gofino<sup>r</sup>, the Court judgeth it meete to graunt him an island lying before Falmouth, called Hog Island, about a league of y<sup>e</sup> sd toun, nere y<sup>e</sup> islands called Stage & House Ilands, so it be w<sup>th</sup>in our lyne & not formerly graunted, & that it shall satisfy for so much as the island is in quantity vpon a just measure as part of the thousand acres graunted vnto him 7<sup>th</sup> May, 1657.

Comittees re-  
turne ab<sup>t</sup> y<sup>e</sup>  
mint, & Courts  
order therev-  
pon.

Wee haue, according to order, treated w<sup>th</sup> the mint masters, M<sup>r</sup> Hull & M<sup>r</sup> Saunderson, & finde them vtterly vnwillig to pay any certaine proportion to the country of the allowance paid them for coyning money, only they offered tenn pounds as a free guift to the country, in case they will please to accept of it; but the comitteee refused that proffer, alleadging that the vse of the mint & house required, in justice, some certaine part of the income receaved by them, w<sup>ch</sup>, vpon examination, will be found to be sixty two pounds vpon euery thousand pounds, out of w<sup>ch</sup> the comitteee propounded they should allow one

twentjeth part for the country; but they consented not. This is the present state of that affaïre; leaving it to y<sup>e</sup> Court to take such further order therein as vnto them seemes meete. Dať 6<sup>th</sup> June, 1661.

1661.

22 May.

DANIEL GOOKIN,  
RICHARD RUSSELL,  
ANTHONY STODDARD,  
WILLJAM PARKE.

The Court judged it meete to order that this cõmittee should be reim-powred to treate w<sup>th</sup> the mint masters, & to receiue the ten pounds aboue mentioned, & what else they cann get by way of recompence for the mint house for the tyme past, & that it be deliuered to the Tresurer to be bestowed in powder.

In ans<sup>r</sup> to the petition of Cap<sup>t</sup> Thomas Clarke, Cap<sup>t</sup> W<sup>m</sup> Daus, & M<sup>r</sup> Antipas Boyes, —

This Court doeth order, 1. That the sajd gentlemen aboue named be allowed & confirmed by this Court adm̃istrato<sup>r</sup>s of y<sup>e</sup> estate of the s̃d M<sup>r</sup> Valentine Hill, deceased.

2. That the wo<sup>r</sup>p<sup>ll</sup> Cap<sup>t</sup> Wiggins & Cap<sup>t</sup> Pendleton be impowred cõmissioners for the receiuing & improoving of that part of the estate that appertaines to the widdow as may be for hir best good, according to their best discretion.

3. That M<sup>r</sup> Edw<sup>th</sup> Tyng & M<sup>r</sup> Anthony Stoddard bee & are heereby impowred cõmissioners for the examining & determiñg all debts payable from the sajd estate to such creditors as liue neere ab<sup>t</sup> Boston, & that the wo<sup>r</sup>p<sup>ll</sup> Cap<sup>t</sup> Wiggins & M<sup>r</sup> Pendleton be impowred cõmissioners for examining & determiñg all debts payable from the sajd estate to such creditors as liue neere about Piscataq.

4. That all creditors bring in their accounts & cleere their clajmes, by due prooffe, w<sup>th</sup>in sixe moneths.

5. That all creditors be payd in æquall proportion as the estate will afford, the widdowes thirds being first sett out.

6. That the administrato<sup>r</sup>s be & are hereby impowred to sell, or otherwise to dispose of, all houses, lands, mills, & other estate as may best conduce for the preservation of the estate & payment of debts, by an outcrye or otherwise, as they finde best.

7. That a meete part of the estate be reserved for the creditors in England, according to the intelligence y<sup>t</sup> comes to their hands of debts due there

Ans<sup>r</sup> to Cap<sup>t</sup>  
Clark, Cap<sup>t</sup>  
Daus, & M<sup>r</sup>  
Boyes request  
& adm̃istra-  
tion to M<sup>r</sup>  
Hills estate  
graunted to  
them, & Courts  
order.

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22 May.

Ans. to Mr  
Wades peti.

to be payd, notice thereof coming w<sup>th</sup>in a yeare, & that in the meane time one fowerth part of y<sup>e</sup> estate be reserved for that end.

In ans<sup>r</sup> to the petiçon of Mr Jonathan Wade, the Court judgeth it meete, in refference to the seuerall disappointments he hath mett with ab<sup>t</sup> laying out his fower hundred acres of land so long time graunted him for disbursement of ffifty pounds for y<sup>e</sup> good of y<sup>s</sup> colony, & that there may be an issue to all questions ab<sup>t</sup> it, to graunt the said Mr Wade fower hundred acres more as an addition to his former fower hundred acres, & is in full sattisfaction of what is due to him from the country, to be lajd out in any place y<sup>t</sup> is free from former graunts.

Ans<sup>r</sup> to Sam.  
Bemetts peti-  
çon.

In ans<sup>r</sup> to a petiçon from Sam<sup>r</sup> Bemett, & on his motion, the Court judgeth it meete to abate the petiçoner eight pounds of his fine, as is desired.

[\*376.]

Ans<sup>r</sup> to Mr  
Deane Win-  
throps petiçon.

\*In ans<sup>r</sup> to the petition of Mr Deane Winthrop, it is ordered, that the lands formerly graunted to M<sup>rs</sup> Margaret Winthrop, deceased, mentioned in his petition, be lajd out for the vse of such as haue due right therevnto, & y<sup>t</sup> Cap<sup>t</sup> Edward Johnson, Thomas Addams, of Chelmsford, & Jonathan Danforth, surveyo<sup>r</sup>, lay it out according to that graunt, & to make returne to y<sup>e</sup> next session of this Court.

Ans<sup>r</sup> to Cap<sup>t</sup>  
Nortons mo-  
tion ab<sup>t</sup> pou-  
der.

On the motion of Cap<sup>t</sup> Frauncis Norton, it is ordered, that the survejo<sup>r</sup>s deliuer vnto Cap<sup>t</sup> Frauncis Norton what powder shall appeare to be due to him, vn timer, according to orders of Court, October, 50, May, 54, October, 58, & for the ends therein exprest.

Lynn 3 mens  
power to mar-  
ry.

Whereas the magistraticall power, formerly exercised by Major Hawthorne, is now deriued to the three comissioners, or two of them, by meanes whereof it will be very difficult for y<sup>e</sup> townes adjacent to reape y<sup>e</sup> benefit thereof, it is therefore ordered by this Court, that any two of the comissioners for the toun of Lynn shall for the yeare ensuing, & till further order be taken therein, haue power, & are authorized, to joyne persons together in marriage, according to laue.

Ans<sup>r</sup> to Georg  
Smiths peti-  
çon.

In ans<sup>r</sup> to the petiçon of George Smith, the Court, having perused the originall assignement of John Smith vnto y<sup>e</sup> petiçoner, & recd information from some of the Court of the petiçoners right, & of a probability that some lands were graunted the petiçoner for y<sup>e</sup> same some yeares since, the records whereof cannot now be found, judge meete to graunt y<sup>e</sup> petiçoner two hundred acres of land in leiw of the twenty five pounds adventure disbursed by y<sup>e</sup> sd John Smith in y<sup>e</sup> yeere 1628, to be lajd out in some free place by Mr Gettings & Mr Medcalf, of Ipswich, who are appointed to see the same donne accordingly, & to make returne thereof at y<sup>e</sup> next Court of Election; provided,

if it appeare w<sup>th</sup> in sixe moneths that the petiōner haue receaved sattisfaction in land or otheruise, then this present graunt to be voyd.

1661.

In ans<sup>r</sup> to the petition of Mr John Higginson, humbly desiring the favor of this Court in the graunt of some lands in relation to service by him donne in being a scribe to the synod in sixteene hundred & thirty seven, &c, the Court judgeth it meete to graunt the sajd Mr Higginson seven hundred acres of land in some free place, & not prejudiciall to to a plantation, & that Maj<sup>r</sup> W<sup>m</sup> Hawthorne, Mr Edmond Batter, & Mr Jonathan Danforth, or any two of them, be appointed as a comittee to lay it out.

22 May.  
Ans<sup>r</sup> to Mr  
Higginsons  
petiōn.

This Court, considering the good service of Major Willjam Hawthorne, for seuerall yeares past, in magistratticall transactions for the toune of Salem & Marblehead, and outherrise, to the great hindrance of his personall occasions, & the diminution of his estate, doe hereby graunt vnto him fve hundred acres of land in the wildernes, where it may not hinder a touneship, to be lajd out before the next Court of Election, by Mr Edmond Batter, & Left<sup>t</sup> Lathrop, & some approved artist.

Courts gratuity  
to Major Hau-  
thorne, 500.

In ans<sup>r</sup> to the petiōn of Edw Cowell for sattisfaction for his horse, formerly employed in y<sup>e</sup> countrys service to y<sup>e</sup> eastward, & now lately againe to y<sup>e</sup> southward, it is ordered, that the Tresurer forthwith satisfy him what he cann make appeare to be justly due to him from the country.

Ans<sup>r</sup> to Edw.  
Cowell's peti-  
ōn.

On the request of our honored Goūno<sup>r</sup>, this Court judgeth it meete to graunt him a speciall Court here at Boston y<sup>e</sup> 6<sup>th</sup> day come seven nights, for the trjall of an action betweene our sajd honnord Goūn<sup>r</sup>, pl<sup>t</sup>, & Mr W<sup>m</sup> Broune, of Salem, defend<sup>t</sup>, in refferenc to y<sup>e</sup> ship lately seased at Marblehead, & that as many of the Magistrates as cann be present to heare, to determine the case.

7 June, 1661.  
Speciall Court.

The Court judgeth it meet to order y<sup>e</sup> Tresurer to sattisfy Rich Wood Cocke fower pounds nine shillings for the repajring of y<sup>e</sup> countrys armes, as by a bill given in by Cap<sup>t</sup> Dauenport.

Woodcocks bill  
of 4<sup>li</sup> 9<sup>s</sup> al-  
lowed.

\*In ans<sup>r</sup> to the petition of the inhabitants of Billerikey, the Court, hauing considered of this petiōn, together w<sup>th</sup> the petiōn of Mr Deane Winthrops for laying out the lands graunted his mother, & being certainly informed that the toune of Billierikey is a hopefull plantation, & that they haue & doe encourage & mainteine the ministry amongst them, & haue waded thrō many difficultjes in purchasing much of theire land, & neuer had so much as one third part of lands graunted them by this Court as other villages inferio<sup>r</sup> to them haue had, doe therefore graunt the sajd toune fower thousand acres of land, in such place or places where they cann finde it w<sup>th</sup> in this jurisdiction, for the redemption of the sajd lands, provided it shall not pjudice a plantation

[\*377.]

Courts grant  
to Billierikey.  
4000 acres  
granted.

1661.

22 May.

Ans<sup>r</sup> to y<sup>e</sup> in-  
habit<sup>ts</sup> of Cam-  
bridg peti<sup>ō</sup>.

or any former graunt, & that Capt<sup>t</sup> Edward Johnson, Thomas Addams, w<sup>th</sup> Jonathan Danforth, surveyo<sup>rs</sup>, be appointed to lay it out, & make returne to the next Court of Election.

In ans<sup>r</sup> to the peti<sup>ō</sup>n of Thō Wisewall & John Jackson, in behalf of sundry inhabitants of Cambridg on the south side of Charls Riuer, this Court doeth order, that all such lands & estate as are found to be more then fower miles from the meeting house, together w<sup>th</sup> the persons thereon dwelling, shall be freed from contributing towards the ministry on the north side the riuer, & shall & are engaged to contribute towards the ministry on the south side the riuer, the measure to be in the vsuall path that maybe ordinarily passed, & this to be vnderstood only during such tyme as the south side the riuer shall mainteine an able ministry.

Ans<sup>r</sup> to M<sup>r</sup>  
Eliotts peti<sup>ō</sup>n  
for Paucatucke  
Indians.

In answer to y<sup>e</sup> peti<sup>ō</sup>n of M<sup>r</sup> John Elliot, Señ, in behalfe of the Indians of Pautuckett, although the Court may not in justice nullify the graunt of land to M<sup>rs</sup> Winthrop, deceased, or hir heires, yett desire the persons interested in the sajd grant to accomodate the Indians w<sup>th</sup> the smale parcell of land & meadow desired, so as the peti<sup>ō</sup>ner find out a convenient parcell of land elsewhere y<sup>t</sup> may accomodate the grantees in leju thereof, w<sup>ch</sup> this Court will graunt to y<sup>e</sup> heires of sd M<sup>rs</sup> Winthrop. As for y<sup>e</sup> lands desired for y<sup>e</sup> Indians on the northside of Merremacke, it is ordered, that John Parker & Jonathan Danforth, of Billierikey, veju the place, & if they find it ragged land, & not prejudiciall to a plantation or former graunt, as is expressed, to lay out fwe hundred acres for them, making returne thereof to the next session of this Court.

Ans<sup>r</sup> to M<sup>r</sup> Cole  
& Cap<sup>t</sup> John-  
sons peti<sup>ō</sup>.

In ans<sup>r</sup> to the peti<sup>ō</sup>n of Samuell Cole & James Johnson, the Court judgeth it meete to referr it to the County Court of Suffolke, who are hereby impowred to release the peti<sup>ō</sup>ners from their administratorship, provided the children y<sup>t</sup> are of age first choose their guardians, & some due care taken for securing the portions of such as are in nonage, w<sup>th</sup> due accompt giuen to the Court by the sajd administrato<sup>rs</sup>, to the Courts satisfaction, of the whole estate comitted to them.

M<sup>r</sup> Corletts  
farme lajd out.

Layd out & exactly measured by me, Thomas Nojes, of Sudbury, in obedience to the graunt of the honored Generall Court, October 18, 1659, M<sup>r</sup> Elijah Corlett, schoolem<sup>r</sup> of Cambridg, his farme of two hundred acres, scituate, lying, & being about a mile distant from the southwest angle of the lands formerly graunted to Sudbury; also hauing a parcell of meadow graunted to M<sup>r</sup> Edmond Broune, teacher to y<sup>e</sup> church of Sudbury, on the south, also being about halfe a mile distant northerly from the riuer w<sup>ch</sup> runeth to Sudbury, also being about a mile & a quarter distant west north westerly from

the new dwelling house of John Stone; the said farme for the most part bordering vpon the wildernes, & laying in a long square, the longest lines runing west & by south five degrees southerly, as it is now marked round by marking the trees w<sup>th</sup> the letter C; & also two smale parcells of meadow neare adjoyn- ing to the south līne of the said farme, & is part of the two hundred acres. This by me, vnder written, the 28 May, 1661, in presenc of John Stone, John Bent, & Thomas Read, of Sudbury.

The Court allowes hereof.

\*In ans<sup>r</sup> to the petiçōn of M<sup>r</sup> Edmond Batter, the Court judgeth it meete to graunt the peticoner two hundred & fifty acres of land, provided it be taken in such place as is free from former graunts & not pjudiciall to a plantation, & that it be lajd out before the next Court of Election, & that Majo<sup>r</sup> Hawthorne & Lef<sup>t</sup> Lathrop be appointed to see it lajd out, & make their returne at the next Court of Election.

1661.

28 May.

[\*378.]

Ans<sup>r</sup> to M<sup>r</sup>  
Batters petiçō.  
250 acres.

It is ordered, that the marke in the margent shall be the brandmarke be- longing to the toun of Chelmsford.

Chelmsford  
brandmarke,  
**CH.**

It is ordered, that the survejo<sup>rs</sup> generall deliuer vnto the cap<sup>t</sup> of the Castle two barrells of powder for the saluting of ships.

Powder for y<sup>e</sup>  
cap<sup>t</sup> Castle to  
salute, &c.

In ans<sup>r</sup> to y<sup>e</sup> petiçōn of Hannah Boyden, relict & administratrix to y<sup>e</sup> estate of Joseph Morse & Thomas Boyden, hir now husband, this Court doeth judge it meete to confirme the order of the County Court of Suffolk for the diuision of the estate of Joseph Morse, mentioned in y<sup>e</sup> petiçōn, & is, Whereas Hannah Boyden, wife to Thomas Boyden, late relict & administratrix to Joseph Morse, of Dorchester & Meadfeild, brought in to this Court an inventory of the estate of the late Joseph Morse, in relation to houses, lands, catle, & other goods, amounting in the whole to the value of fower hundred & twenty pounds thirteen shillings & sixpence, as in the said inventory appeares, bearing date 25 July, 1654, and now hath brought in an accompt of seuerall debts w<sup>ch</sup> since hir late husbands death she hath paid, & losse in catle, & by the fall of the price of sheepe, to value of eighty two pounds ten shillings, w<sup>ch</sup> account is ouned by the brother & eldest sonne of the late deceased, & also bringing in to this County Court an inventory of what is remayning of the estate aboue mentioned, w<sup>ch</sup> amounts to three hundred twenty two pounds eight shillings & nine pence, an inconsiderable abatement, considering the chardge the said Hannah hath bin at to mainteine hir eight children, being young, since their fathers death. & whereas Samuel Morse, the eldest sonne of the late Joseph Morse, is now of age, & desiring w<sup>th</sup> the mother that a just diuision might be made of that estate, that he might enjoy his portion, the

Ans<sup>r</sup> to Han-  
nah Morse &  
Tho. Boyden  
petiçō.

1661.

23 May.  
Courts allow-  
anc of County  
Courts order  
for diuision of  
Joseph Morse  
his estate.

[\*379.]

Court, considering that seuerall of the children are young, judg meete to order, that the sajd Hannah, the relict, shall haue out of that estate, as hir portion, the some of eighty two pounds eight shillings & nine penc, thirty two pounds whereof shall be in hir liberty, at or before hir death, to giue to one or other or all hir children, or to hir husband, as shee shall see cause, for the encouragment of him, to help bring vp the sajd children; and doe order, that the sajd Samuell, the eldest sonne, shall haue in land, as it is prized in the inventory now brought in, the twelve acres in the comon plaine, fower acres at the north end of the home lott, tenn acres of meadow that ljes by Charles Riuer, & sixe acres of meadow lying by Bridg Streete, to value of fifty three pounds sixe shillings & eight pence; & for the eleven pounds thirteene shillings & fower pence, w<sup>ch</sup> the sajd land amounts to more then his portion, that he give security to the recorder to pay the same vnto the first of his sisters when she comes to y<sup>e</sup> age of twenty one yeares, or day of marriage, as part of hir portion; and that the children may haue theire just portions out of theire late fathers estate, this Court orders, that the sajd Thomas Boyden shall haue the rest of the houses & lands of the late Joseph Morse to enjoy to him & his heires foreuer from this day, provided he giue security to the recorder for the time being of this county, to bring vp the rest of the children of the sajd Morse at his charge, till they attayne to the age of fourteene yeares, when, if they or either of them shall desire \*to choose themselves guardians, & goe to trades from thence, he shall allowe after the rate of eight p cent for such of theire portions, w<sup>ch</sup> this Court orders to be to each of them the some of twenty sixe pounds thirteene <sup>^</sup> & fower pence, to be paid to the sonnes, w<sup>th</sup> the vse from the tyme mentioned, at theire ages at twenty one yeares; & to the daughters at theire ages of eighteene yeeres, or theire day of marriage; all theire sajd portions to be paid at theire seuerall tymes appointed, in good corne & catle, at the currant price. And it is further ordered, w<sup>th</sup> the consent of the partjes concerned, that in consideration of the sajd Bojden bringing vp the sonnes of the sajd Morse to reade & write, that in case the sonnes shall choose theire guardians at fowerteene yeares of age, & goe to trades, the sajd Boyden shall keepe theire portions w<sup>th</sup>out paying vse for any of them till they attaine theire ages of twenty one yeares, or day of marriage, provided the next Generall Court doe allow & approove of this order. 31 Jan<sup>ry</sup>, 1660.

P the Court.

EDWARD RAWSON, Recorder.

W<sup>ch</sup> y<sup>e</sup> Court did allow of as is aboue exprest.

Cambridg, 1000  
acr<sup>s</sup> of land to  
be ld out.

On request of the deputjes of Charls Toune, the Court judgeth it meete

to appoint Mr Thō Nojes & Mr Jonathan Danforth, or either of them, to lay out the graunts of y<sup>e</sup> Court to Cambridg & Charls Toune schooles. 18<sup>th</sup> October, 1659. 1661.  
28 May.

In ans<sup>r</sup> to the petiçōn of Mr Peter Hubbard, of Hingham, for this Courts hearing of the case tried at the last County Court betwene Josiah Cooper & himself, the Court judgeth it meet to referr the hearing of the case till next Court, & in the interim order the execution ag<sup>t</sup> sajd Mr Hubbard to be suspended, & y<sup>t</sup> Mr Hubbard is hereby debarred from making away any part of his estate during that time. Courts ans<sup>r</sup> to  
Mr Hubbards  
petiçōn.

Vpon information given to this Court of seuerall misdemeano's cõmitted by Mr John Thorpe, who vndertakes to be a preacher at Scarborough, in answer wherevnto this Court doeth order, & the sajd Thorpe is hereby enjoyned that, after due notice hereof, he forbear to preach any more vntill Yorke Court next, where the connstable of that toune shall warne him to appeare, together w<sup>th</sup> such wittnesses or sufficjent testimonjes taken vpon oath before any empowred to take evidences in that county, w<sup>ch</sup> s̃d County Court shall examine the ground of this complaint, & proceed therein as the lawes of this cõmonwealth doeth provide. Mr Thorp si-  
lenst, &c.

The Court, considering that Mr Thomas Flynt, deceased, served the country in the magistracy & other publicke capacitjes, & some whiles after publicke allowanc was payd vnto the magistrates, & had no recompence nor any graunt of lands, and that y<sup>e</sup> s̃d Mr Flint left a widdow & numerous family, many whereof were in minority, w<sup>ch</sup> his second sonne, John Flint, hath, vnder God, binn a great instrument, by his care & dilligence, to support & mainteine, together w<sup>th</sup> his dutifull serviceablenes to his mother, improoving the estate left, judg meete to graunt to the widdow of y<sup>e</sup> deceased Mr Flint & hir sonne John eight hundred acres of land, to be æqually divided betweene them; that Joseph Wheeler, Left Goodnow, & Ensigne Noyes be a cõmittee to see the same lajd out in a fitt place, free from former graunts & not p̃judiciall to a plantation, making returne thereof to the next Court of Election for the confirmation thereof. Ans<sup>r</sup> to Mr  
Flints petiçōn,  
800 acres.

It is ordered by this Court, that Capt Thomas Sauage & Mr Joseph Hills be a cõmittee to examine and take the Tresurers account, so as to make returne thereof to the next Court of Election, & that the Tresurer giue notice of time & place to doe the same. Auditors for y<sup>e</sup>  
Tres<sup>r</sup>s account.

Itt is ordered, that all the Quakers now in prison be acquainted w<sup>th</sup> the new lawe made ag<sup>t</sup> them, & forthwith released from prison, & sent from connstable to constable out of this jurisdiction; & if they, or any of them, be found after twelve howers w<sup>th</sup>in the same, he or they shall be proceeded w<sup>th</sup> according Quakers dis-  
chardg.

1661.


28 May.

[\*380.]

Peirson &  
Brounes sen-  
tence.

to y<sup>e</sup> law made this present Court, Peter Peirson & Judah Broune excepted, persons condemned to be whipt [in the prison only w<sup>th</sup> twenty stripes apeece.]

\*Judah Broune & Peter Peirson having binn indicted, at the last Court of Asistants, for Quakers, & there standing mute, refusing to giue any answer, being bound ouer to this Court to ans<sup>r</sup> theire contempt, & here standing mute also, the Court judgeth it meete to order, that they shall, by the connstable of Boston, be forthwith taken out of the prison, & stript from the girdle vpwards by the executioner, & tied to the carts tayle & whipt thrō the toune w<sup>th</sup> twenty stripes, & then carried to Roxbury, and deliuered to the connstable there, who is also to tye them, or cause them, in like manner, to be tjed to a carts tayle, & againe whip them thrō the toune with tenn stripes, & then carried to Dedham, & deliuered to the connstable there, who is againe in like manner to cause them to be tjed to the carts tayle & whipt w<sup>th</sup> tenn stripes thrō the toune, & from thenc they are imediately to depart this jurisdiction at theire perrill.

 Order for a  
day of thanks-  
giuing.

This Court, considering the many favo<sup>r</sup>s wherewith the Lord hath binn pleased to compasse vs about for so many yeares past in this remote wildernes, & in speciall the gracious answer that he hath giuen vs to our late supplication & humbling of ourselves before him, in giuing vs favo<sup>r</sup> in the eyes & heart of our soueraigne lord & king expressed in his gracious acceptance & answer of our late addresse to his maj<sup>ty</sup>, together w<sup>th</sup> our present enjoyments in our churches & Courts y<sup>t</sup> are yet continewd to vs, as also the mercjes that wee haue had in being preserved from contagious diseases & suiteablenes of the season this present spring, & continuance of the liues of so many of his aged servants of publicke vse in church & comōn wealth, euen while he seemed to threaten vs w<sup>th</sup> so great & vnparalell losse in such juncture of time as this is, doe comēd vnto our beloued brethren & neighbo<sup>r</sup>s of this colony the tenth of July next that it be kept a solemne day of thanksgiving & returnīg praises vnto our good God for these & many other his great favo<sup>r</sup>s, as well publicke & others more private, vnto w<sup>th</sup> duty all the people of this jurisdiction are enjoyed theire due observance, that so thrō his gracious acceptance of our vnfeigned desires to acknowledge our sole dependance on his fauorable aspect towards vs, he may still delight in vs to dwell amongst vs, & to be our Guide in all the weighty concernments of this comōnweale, so as that all our consultations & conclusions may be agreeable to his will & the hono<sup>r</sup> of him whose name wee proffesse, & the blessing of our present enjoyments, both temporall & spirituall, may be left as a legacy to ours after vs.

Wendlock  
Christophersons  
sentence.

The Court, hauing considered what Wendlocke Christopherson could say for himself in reference to his appeale from the judgment & sentence of the

Court of Asistants pronounced against him in March last, being brought to the barr, judge meete to order, that the Gouverno<sup>r</sup> pronounce sentence of death against him in open Court, & to declare that the tyme of his execution shall be on the 13<sup>th</sup> day of this moneth of June, presently after the lecture, by warrant from the Gou<sup>r</sup>no<sup>r</sup>; provided, neuerthelesse, that if the sajd Christopherson any time before his execution shall desire the Courts favo<sup>r</sup>, & by a writting vnder his hand engage that he will forthwith depart this jurisdiction & from thenceforth returne no more into it, w<sup>th</sup>out first hauing obtained leaue from the Generall Court or council, he shall therevpon be discharged. The Gou<sup>r</sup>no<sup>r</sup>, in open Court, the prisoner being at the barr, pronounced sentence of death ag<sup>t</sup> him, & acquainted him w<sup>th</sup> the Courts favo<sup>r</sup> in case.

1661.

June.

The Court vnderstanding that Nicholas Vpshall, now in prison, is an occasion of drawing many Quakers & others affected to that sect thither, for p<sup>r</sup>vention whereof, it is ordered, that the sajd Nicholas Vpshall be forthwith sent to the Castle Island, there to remajne vpon his oune charge, & that none be suffered to come vnto him to speake or conferr w<sup>th</sup> him, except such of his oune family w<sup>ch</sup> may come to bring him necessary supplies, & this order to continue till the Court take further order. The cap<sup>t</sup> of the Castle is to see to the due observation of this order.

Nicho. Vp-  
shall's confine-  
ment.

\*Whereas some Indians, as wee are informed, pretend an interest in some part of the lands of Henry Sewall, w<sup>ch</sup> l<sup>y</sup>eth at Newbury Falls, sometime Mr John Spencers, w<sup>ch</sup> lands were purchased of the sajd Spencer, & also haue binn confirmed by the toun of Newbury vnto the sajd Henry Sewall, it is therefore ordered by this Court, that if it shall appeare vnto the sajd Henry Sewall that the sajd Indians or any other haue any legall right vnto any part of the sajd land, that the sajd Henry Sewall shall heereby haue liberty to purchase the same of the sajd Indians.

[\*381.]

Order ab<sup>t</sup> Mr  
Sewall.

For as much as it appears to this Court that it is necessary that some person or persons be invested w<sup>th</sup> magistratticall power referring to Salem & Marblehead, there being more then ordinary neede thereof, that iniquity may not passe vnpunished, & the occasions of those tounes provided for, it is therefore ordered, that for the yeare ensuing the three com<sup>is</sup>sioners of Salem, or any two of them, meeting & concurring, shall & hereby are invested w<sup>th</sup> magistratticall power in Salem & Marblehead for the yeare ensuing.

Commissioners  
for Salem &  
Marblehead.

Itt is ordered, that the toun of Hingham pay as a fine to the country the some of fve pounds for not sending a deputy to this Generall Court, as y<sup>e</sup> lawe in such case provides.

Hingham fined  
5<sup>li</sup>.

Vpon a motion made by the deputys of Springfield & Hadley, it is ordered, that the sajd Springfield & Northampton be allowed their country

Springfeild &  
Northampton  
rate free for a  
yeere.

1661.

June.

rate, for this yeare ensuing, for & towards the erecting of a prison or house of correction at Springfield, so as the said house amount to sixty pounds or vpwards, & be finished by the next Court of Election, & returne made thereof to said Court.

Kittery  
bounds.

Whereas there was a certaine returne sent in to this Court by some of the toune of Kittery for bounding their tounship in the head line of the said bounds backe in to the country, the legallity thereof not so well appearing, it is therefore ordered, that Major Nichō Shapleigh, Mr Abraham Preble, & Mr Ezekiel Knight, or, if by sicknes or weaknes he cannot attend it, Mr Samuell Whelewright, are appointed a committee to lay out the head bounds aforesaid from Quampehon, & so to y<sup>e</sup> extent thereof, & to make a newe returne of the same vnto the next Court of Election.

Ans<sup>r</sup> to Ben.  
Gillams peti-  
cion.

In ans<sup>r</sup> to the petiçon of Mr Benjamin Gillam, it is ordered, that the Tresurer, Mr Duncan, & Mr Edw<sup>th</sup> Ting be & are heereby appointed a committee thoroughly to examine the accounts to his petiçon añexed, & make their report to the next Court what they shall finde justly due, that so the Court may vnderstand the grounds of his petiçon, & what to doe therevpon.

Cap<sup>t</sup> Johnson  
& Mr Cole  
land.

In ans<sup>r</sup> to the petiçon of Cap<sup>t</sup> Edward Johnson, the Court judgeth it meete to confirme Cap<sup>t</sup> Johnsons graunt according to the limitation respecting him & Mr Samuell Cole, according to Courts order, October 18<sup>th</sup>, 1659, being now layd out as p plott on file ; and considering that Mr Cole was an auncient adventurer in the publicke stocke, & hath binn long out of his money, beene at great chardges & losse in this buisnes, hath approved himself respectiue & serviceable to this Court, the Court judgeth it meete to graunt Mr Samuell Cole three hundred acres more in any place free from former graunts. Mr Jonathan Danforth & John Parker, or either of them, are hereby appointed to lay it out, & make returne thereof to the next Court of Election.

[\*382.]

\*In ans<sup>r</sup> to the complaint of Wassamegin, sagamore of Quabacooke, & the Indian inhabitants there, it is ordered, that letters be sent from this Court vnto Vncus, signifying how sensible wee are of the injurjes by him donne vnto vs in the outrages by him comitted by his hostile invading our subjects at Quabacook, who there liue vnder Wassamegin, their sagamore, by destroying & killing of some, by carrying away & keeping others captiues, & by spoyling them of their goods to y<sup>e</sup> value of thirty seven pounds, as they complaine ; willing & requiring of him, the said Vncus, to yeild & deliuer vp the said captives, & to make restitution for the goods by him so taken from our said subjects, and that for time to come he forbear all hostilitie & vn-lawfull violence towards the persons, lands, & goods of our said subjects ; & if

our said subjects haue donne or shall doe any injury to him or *or* his subjects, that on complaint to vs, & due prooffe thereof, he shall be righted.

1661.

June.

Wassamegins  
declaration ag<sup>t</sup>  
Vncas.

2. That Vncus be giuen to vnderstand, & be assured from this Court, that if he refuse or neglect to release & deliuer vp the aforesajd captiues, and also to make restitution for the goods taken from our sajd subjects, that wee then are resolved, the Lord asisting, to right our foresajd injurjes vpon him & his subjects for the same, and for all the charges whatsoeuer, that shall arise in the prosecution thereof.

3<sup>dly</sup>. That if the sajd Vncas shall put vs to right ourselves by warr vpon him, that wee shall then require satisfaction also for the liues of our subjects by him slaine as aforesajd hitherto.

4<sup>thly</sup>. That for the encouragement & safety of the sajd Wassamegins & his subjects, there be, by order of Majo<sup>r</sup> Willard, 3 or 4 armed men, well accomodated in all respects, w<sup>th</sup> a proportion of powder, bullets, & match sent from Lancaster to Quabacooke vnto the sajd Wassamegin, there to stay a night or two, & to shoote of their musquetts so often and in such uise as the majo<sup>r</sup> shall direct, to terrify the enemjes of Wassamegin, & so to returne home againe.

5<sup>ly</sup>. That either the majo<sup>r</sup>, or the souldiers by his order, advise Wassamegin & his subjects there, that the Generall Court, the Go<sup>u</sup>no<sup>r</sup>, Deputy Go<sup>u</sup>nr, and magistrates shall take it as an assured token of their hearty loue & fidellity to the English, & of their thankfull acknowledgement of all favors extended to them, if they would lett the English haue the bringing vp of those captiues now to be released, & of some of their sonnes also, by meanes whereof they may the better know & serve God, & be the more helpfull to their oune kinsfolke, freinds, & countrymen afterward, and that Mr Eliot be desired to second & forward the motion to Wassamegin & his subjects as often as seasonable occasion shall be ministered.

6<sup>ly</sup>. That either the majo<sup>r</sup> generall or Majo<sup>r</sup> Willard, or the souldjers to be sent as aforesajd in the name of this Court, advise & requier Wassamegin and his men to be very carefull of injuryng or any wayes provoking of Vncas, or any of his men, as he will answer our displeasure therein, and incurre due punishment for the same; and that if, notw<sup>th</sup>standing his innocency that way, that Vncas shall invade or injure him as formerly, that he giue notice thereof vnto Majo<sup>r</sup> Willard, who, vpon manifest invasion and assault of the enemy, shall act & doe according to lawe, in case of alarmn, so farre as to him seemes necessary; & this shall be his sufficient warrant for the same.

Vpon the motion of Wendlocke Christopherson, the prisoner, making known his freedome to depart this jurisdiction, the Court graunts & orders

Xtophersons  
pardon & discharge.

1661.

June.

[\*383.]

Quakers discharged.

him his liberty, he departing this government when he shall be lett out of prison assoone as may be.

\*Itt is also ordered, that Wendlocke Xtopherson, & all the Quakers now in prison, be forthw<sup>th</sup> acquainted w<sup>th</sup> the new lawe made against them, & forthwith released from prison & sent from connstable to connstable out of this jurisdiction, Judah Broune & Peter Peirson being, for their contempt in Court, tyed to the carts tayle by the executioner, & whipt through Boston w<sup>th</sup> twenty stripes a peece, & then sent w<sup>th</sup> the rest; & if any of them be found after twelves howres w<sup>th</sup>in this jurisdiction, he or they shall be proceeded w<sup>th</sup> according to y<sup>e</sup> lawe made this present Court.

Charls Toune  
Courts ad-  
journm<sup>t</sup>.

Itt is ordered, that the County Court at Charls Toune shall & is hereby adjourned to Twesday fortnight, at eight of the clocke in the morning, & all attachments & warrents to be continewed.

Co<sup>m</sup>ittee to  
consider of y<sup>e</sup>  
pattent, &c.

For as much as the present condition of our affaires in highest concerns call for a dilligent & speedy vse of the best meanes seriously to discusse & rightly to vnderstand our liberty & duty, thereby to begett vnity amongst ourselves in the due observance of obedjenc & fidelity vnto the authority of England & our oune just priuiledges, for the effecting whereof it is ordered by this Court, that M<sup>r</sup> Symon Bradstreete, M<sup>r</sup> Samuell Symonds, Maj<sup>r</sup> Ge<sup>n</sup> Denison, M<sup>r</sup> Danforth, Major W<sup>m</sup> Hawthorne, Cap<sup>t</sup> Th<sup>o</sup> Sauage, Cap<sup>t</sup> Edward Johnson, Cap<sup>t</sup> Eliazer Lusher, M<sup>r</sup> Mather, M<sup>r</sup> Norton, M<sup>r</sup> Cobbet, & M<sup>r</sup> Michell be & hereby are appointed a co<sup>m</sup>ittee, imediately after the dissolution or adjournment of y<sup>e</sup> Court, to meete together in Boston on second day next, at twelve of y<sup>e</sup> clocke, to consider & debate such matter or thing of publicke concernment touching our pattent, lawes, priuiledges, & duty to his maj<sup>ty</sup> as they in their wisdom shall judge most expedient, & drawe vp the result of their apphen<sup>s</sup>ions, & present the same to the next session for consideration & approbation, that so (if the will of God be) wee may speake & act the same thing, becomeing prudent, honest, conscientious, & faithfull men.

[\*384.]

10 June.

*\*Att the Sessions of the Generall Court, held at Boston, the tenth of June, 1661.*

THE Court mett at the time appointed.

The ans<sup>rs</sup> of the co<sup>m</sup>ittee vnto the matters proposed to their consideration by the honnored Generall Court: —

## 1. Concerning our libertjes.

1661.

10 June.

1. Wee conceiue the pattent (vnder God) to be the first & maine foundation of our civil politye here, by a Goũn<sup>r</sup> & Company, according as is therein exprest.

2. The Goũn<sup>r</sup> & Company are, by the pattent, a body politicke, in fact & name.

3. This body polititicke is vested w<sup>th</sup> power to make freemen.

4. These freemen haue power to choose annually a Goũn<sup>r</sup>, Dep<sup>t</sup> Goũn<sup>r</sup>, Asistants, & theire select representatives or dep<sup>ts</sup>.

5. This goũnment hath also to sett vp all sortes of officers, as well superior as inferior, & point out theire power & places.

6. The Goũn<sup>r</sup>, Dep<sup>t</sup> Goũn<sup>r</sup>, Asistants, & select representatiues or dep<sup>ts</sup> haue full power & authoritje, both legislative & execcutive, for the goũnment of all the people heere, whither inhabitants or straingers, both concerning eclesiasticks & in ciuils, w<sup>th</sup>out appeale, excepting lawe or lawes repugnant to the lawes of England.

Courts confirmation of y<sup>e</sup> committees returne in relation to our liberty from & duty to his maj<sup>ty</sup>.

7. The goũnment is privilèdged by all fitting meanes (yea, and if neede be, by force of armes) to defend themselves, both by land & sea, against all such person or persons as shall at any tyme attempt or enterprise the destruction, invasion, dettriment, or annoyance of this plantaçõn, or the inhabitants therein, besides other privilèdges mençõned in the pattent, not heere expressed.

8. Wee conceive any imposiçõn prejudicjall to the country contrary to any just lawe of ours, not repugnant to the lawes of England, to be an infringement of our right.

## 2. Concerning our dutjes of alleagiance to our soueraigne lord the king.

1. Wee ought to vphold & to our power majneteine this place, as of right belonging to our soueraigne lord the king, as holden of his maj<sup>ties</sup> manno<sup>r</sup> of East Greenwich, & not to subject the same to any forreigne prince or potentate whatsoever.

2. Wee ought to endeavor the preservation of his maj<sup>ties</sup> royall person, realmes, & dominions, & so farre as ljethe in vs, to dicouer & prevent all plotts & conspiracies against the same.

3. Wee ought to seeke the pèace & prosperitje of our king & nation, by a faith full discharge in the goũning of this people comitted to our care: —

1. By punishing all such crimes (being breaches of the first or second table) as are comitted against the peace of our soueraigne lord the king, his royall croune & dignity.

2. In propogating the gospell, defending & vpholding the true Christian

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or Prottestant religion according to the faith giuen by our Lord Christ in his word ; our dread soueraigne being stiled ‘defender of y<sup>e</sup> faith.’

The pmisses considered, it may well stand w<sup>th</sup> the loyalty & obedience of such subjects as are thus priuiledged by theire rightfull soūaigne, (for himself, his heires, & successo<sup>r</sup>s for euer,) as cause shall require, to pleade w<sup>th</sup> theire prince against all such as shall at any time endeavor the violation of theire priuiledges.

Wee further judge that the warrant & letter from the kings maj<sup>ty</sup>, for the apphending of Co<sup>t</sup> Whalley & Co<sup>t</sup> Goffe, ought to be diligently & faithfully executed by the authority of this country.

And also, that the Generall Court may doe safely to declare, that in case (for the future) any legally obnoxious, & flying from the civil justice of the state of England, shall come ouer to these partes, they may not heere expect shelter.

Boston, 10 4 m, 1661. By the order & consent of y<sup>e</sup> co<sup>m</sup>itte.

THO: DANFORTH.

The Court allowes & approoves of the returne of y<sup>e</sup> co<sup>m</sup>itte.

[\*385.]

Courts finall  
ans<sup>r</sup> to M<sup>r</sup>  
Hubbards  
peti<sup>ti</sup>on, &c.

\*As a final ans<sup>r</sup> to the peti<sup>ti</sup>ons of M<sup>r</sup> Peter Hubbard & Josiah Cooper exhibited to this Court, it is ordered, that M<sup>r</sup> Peeter Hubbard may haue liberty to revejw his action, brought against him at the last County Court of Suffolke by Josiah Cooper, at the next sessions of this Court, provided he giue legall sūmons to the sajd Josiah, any lawe or custome prohibiting the same notw<sup>th</sup>standing ; & all former ans<sup>rs</sup> to the sajd peti<sup>ti</sup>ons are here by made null & void.

Courts ans<sup>r</sup> to  
Ipswich,  
Newbury, &  
Sudbury peti-  
ti<sup>ti</sup>ons.

The Court, hauing read & considered of seuerall petitions presented & subscribed by sundry of our freemen & others from Ipswich, Newbury, & Sudbury, referring to some things as haue binn vnder consideration about our compljance w<sup>th</sup> England, &c, and as wee cannot but acknowledge theire care, & approove of theire good inten<sup>ti</sup>ons in most things w<sup>ch</sup> haue binn presented to our cognizance, so wee also must lett them vnderstand that this Court hath not binn altogether negligent to provide for theire & our oune safety, and to manifest our duty & alleagiance vnto his maj<sup>ty</sup>, from whom wee haue had such a favorable auspect of late, doe therefore desire the petitioners will rest satisfied in what is donne, assuring themselves this Court will not be wanting in the prosecution of such further wajes & meanes as may be most conduceable to our oune peace.

Ans<sup>r</sup> to Boston  
peti<sup>ti</sup>o.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of seuerall the inhabitants of Boston, the Court, hauing received three petitions of the like nature, & haue giuen answer

thereto, judge that the said answer maybe to the satisfaction of the present petitioners, to w<sup>ch</sup> they are referred.

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It is ordered, that M<sup>r</sup> Samuell Symonds, for this yeare, keepe Courts at Hampton & Salisbury, w<sup>th</sup> Cap<sup>t</sup> Wiggins, & y<sup>t</sup> M<sup>r</sup> Edward Ting joyne w<sup>th</sup> Cap<sup>t</sup> Wiggins & the other associates to keepe the Courts at Douer & Yorke.

Magist<sup>r</sup> to  
keep Courts at  
Hampton,  
Dof, & Yorke,  
&c.  
Vpshalls con-  
finem<sup>t</sup>.

In ans<sup>r</sup> to the petition of Dorothy Vpshall, it is ordered, that Nicholas Vpshall be remooved out of prison forthwith to the house of John Capen, in Dorchester, & there confined a prisoner vntill the latter end of eighth moneth next, provided the said Vpshall doe not corrupt any w<sup>th</sup> his pernicious opinions, or admitt Quakers or other hereticall persons to haue comunion w<sup>th</sup> him or recourse to him, in w<sup>ch</sup> cases any magistrate may, by his warrant, comitt him to imprisonment in the Castle Island, according to former order.

This Court, considering their long sitting already, & the season of the yeare calling them home, & that intelligence is not fully arived from England, nor yet any shippes appearing bound directly thither, judge meete to adjourne vntill October, and, in the interim, doe order, that Cap<sup>t</sup> Daniel Gookin, Major Ge<sup>n</sup>ll Humphrey Atherton, M<sup>r</sup> Norton, M<sup>r</sup> Michell, Major Hawthorne, & Cap<sup>t</sup> Sauage be a committee to prepare and draue vp letters of thanks to his maj<sup>ty</sup>, the lord chancelor, & the Earle of Manchester, w<sup>th</sup> letters to M<sup>r</sup> Saltonstall, Cap<sup>t</sup> Leueret, & M<sup>r</sup> Ashurst, and also to consider some way how to raise fower or fve hundred pounds, for publicke vse, & to returne their app<sup>r</sup>hensions to the Court touching the p<sup>r</sup>misses; & if there should be any necessary occasion to convene the Court before the t<sup>j</sup>me appointed, the Gov<sup>r</sup>n<sup>r</sup>, or others deputed by lawe, doe call the Court; and if in this vacancy any opportunity present to write for England, the Gouverner is desired by the first conveyance to certify his maj<sup>ty</sup> or the secretaries of state what himself & the council hath acted touching searching for Colonell Whalley & Colonell Goffe in the prosecution of his maj<sup>ty</sup>s warrant; Maj<sup>r</sup> Ge<sup>n</sup>ll & M<sup>r</sup> Norton to appoint y<sup>e</sup> time & place, to giue notice to y<sup>e</sup> rest.

Co<sup>m</sup>mittee to  
draw vp letters.

\*The Generall Court of the Massachusetts in New England.

[\*386.]

To our trusty and wellbeloued Humphry Atherton, sarj<sup>t</sup> major for y<sup>e</sup> county of Suffolke.

Whereas yow are chosen major generall of all the military forces in this jurisdiction, yow are, according to the trust comitted to yow, & by virtue of this comission, to take speciall care that all your inferio<sup>r</sup> officers doe, according to the power & trust comitted to them, faithfully & diligently discharge their seuerall places by excercising their souldiers in military discipline,

Major Gen<sup>l</sup>  
Athertons  
comiss<sup>n</sup>.

1661.

10 June.

according to the order of the Generall Court, that so they may be made expert & fitt for such services as by the providence of God they shall be called vnto ; and for the furthering thereof, yow may, w<sup>th</sup> the assent of the council of this co<sup>m</sup>onwealth, or y<sup>e</sup> major part of them, issue forth your warrants for the exercise of the military forces, according to law, & vpon any suddaine occasion or appearance to yo<sup>r</sup>self of any dainger that may call for a military watch bef<sup>o</sup> the council of this co<sup>m</sup>onwealth shall assemble to appoint the same, yow are to give order forthwith for the same in pp places yow shall judge needfull ; and in case of any approach, or an assult of any ennemy, either fforeigne or domesticke, whither by sea or land, or apparent dainger thereof, though yow haue not particcular order from the Gennerall Court or council of this co<sup>m</sup>onwealth, yow are forthwith to rayse such forces in any or all the seuerall regiments as yow shall judge necessary for the present service & safety of the country, w<sup>ch</sup> are to be imployed til the council of this co<sup>m</sup>onwealth or the Generall Court shall meete & give direction according to the advice of the council of warr, who are alwayes to consist of such sarjant major<sup>s</sup> & capitaines as shall thē be in y<sup>e</sup> feild w<sup>th</sup> yow, together w<sup>th</sup> some select persons that yourselfe & sajd council of warr shall make choice of, or that shall be appointed by the Gennerall Court or council, to joyne with yourselfe therein, in which council of warr yourselfe shall alwayes haue a casting vote ; which aforesajd forces so rased, together w<sup>th</sup> such further supply as the Gennerall Court or council shall from time to tjme see cause to co<sup>m</sup>itt vnto yow, yow shall co<sup>m</sup>and, conduct, & leade, according to your best skill & abilitje, for the securing of the whole, & for y<sup>e</sup> killing, destroying, or taking captive all or any of our proffessed ennemjes, that by open hostilitje shall manifest themselves so to be, & pursuing them out of our jurisdiction. If yow, w<sup>th</sup> your council of warr, shall judge meete so to doe, yow haue also hereby power granted yow in all places where yow come to presse great ordinances, musketts, pikes, powder, shott, match, bullets, spades, showells, pixaxes, wheelebarrowes, and all other instruments fitt & needefull for warr ; as also pinaces, barques, boats, catches, & other vessells, horses, oxen, carriages, men to manage them, & all things belonging therevnto, to supply the present & vrgent necessities of your armies ; also, victualls & provision both for man & beasts, keeping an exact account thereof, & giving a ticket by one of your officers to such as of whome yow shall receive the same, that so due payment & satisfaction may be seasonably made for the same. And when the army is on foote, yourself, together w<sup>th</sup> your council of warr, are to appoint capitaines, leifte<sup>n</sup>ts, & ensignes, in the roome of any such as may be slajne, dy, be wanting, or otheruise removed for misdemeano<sup>r</sup>s or due desert. And further, yow

haue hereby power giuen yow, & are required, so soone as the army is on foote, to call together your council of warr, w<sup>ch</sup> shall not consist of fewer then eight, of w<sup>ch</sup> yo<sup>r</sup>selfe shall be one, who shall haue power to consult & determine, by the majo<sup>r</sup> vote, w<sup>ch</sup> way or wayes will be most safe & advantagious for the carrying through the majne designe or designes for w<sup>ch</sup> the sajd forces were raysted, the determination of w<sup>ch</sup> council yow shall not faile to observe in all points which properly belongeth vnto the council of warr to direct in; but for the ordering and managing of any battaile in time of service, it is wholly left to yourselfe; also, yo<sup>r</sup>self, together w<sup>th</sup> your council of warr, shall haue power, & hereby are impowred, to make such wholesome lawes, agreeable to the word of God, as yow shall conceive to be necessary for the well ordering of yo<sup>r</sup> army, vntil the Gennerall Court shall provide for the same; which, being sufficiently published, yow, with your sajd council, haue liberty, & hereby are impowred, to put in execution, be it the taking away of life or otherwise. And further, yow shall, as much as in yow ljeth, labo<sup>r</sup> to p<sup>r</sup>vent & suppress all mutinjes in yo<sup>r</sup> army; and in case any shall arise, or any other offence or offences be comitted, whither by any yo<sup>r</sup> officers or comon souldjers, yourselfe & council of warr, vpon due conviction of such offenders by sufficient testimony, shall & heereby haue full power to censure & punish according to their demerits, to w<sup>ch</sup> end power is hereby given vnto yow & yo<sup>r</sup> sajd council to examine & give oath to wittnesses as need shall be ministred; provided always, that yo<sup>r</sup>self & sajd council of warr be carefull to observe the orders, instructions, messuages, & directions which already are, or from time to time shall be, directed vnto yow from the Gennerall Court in the time of its sitting, & at all other times from the council of the comonwealth. And this yo<sup>r</sup> comission to be & stand in force till the next Court of Election, & til this Court take further order therein. And in full confirmation of all the premisses, wee haue caused the comon seale of this our colonje to be heere vnto affixed. Dated 28<sup>th</sup> of May, 1663. [*Sic.*]

1661.

10 June

\*Layd out for Cap<sup>t</sup> George Denisson, in the Pecquot country, according to a graunt made vnto him by the Generall Court of the Massachusetts, bearing date 16 8<sup>th</sup> m<sup>o</sup>, 1660, two hundred & fitty acres of land, bee it more or lesse, being a necke of land comonly called Wecanpauge Necke, or Muck-quatah, bounded towards the west w<sup>th</sup> a pond and land graunted to the colledge, hauing a white oake marked on 4 sides, standing vpon a litle hill neere a smale swampe, w<sup>th</sup> a round rocke very neare it, betweene the sajd land & the colledge land, runi<sup>g</sup> from the sajd tree to the head of the pond southerly, bounded towards the east w<sup>th</sup> a brooke called Wickapauge

[\*387.]

Cap<sup>t</sup> Denissons  
farme layd out.

1661. Brooke, & on the south w<sup>th</sup> the sea, & on the north with the wildernes.  
 4 : 5m, 1661.  
 10 June.

DANIELL GOOKIN.

Nouemb<sup>r</sup> 27, 1661. The Court approoves of this retorne on condiçon it interferes not w<sup>th</sup> former graunts, nor exceed three hundred acres.

[\*388.] \*A speciall Court was called by the Gouverno<sup>r</sup>, to assemble together  
 7 August. the 7<sup>th</sup> August, 1661.

PRESENT, The Gouverno <sup>r</sup> ,	Maj <sup>r</sup> Geñ Danĩ Denisson,
Dep <sup>t</sup> Gofino <sup>r</sup> ,	Maj <sup>r</sup> Willard,
M <sup>r</sup> Bradstreet,	Maj <sup>r</sup> Geñ Atherton,
M <sup>r</sup> Symonds,	M <sup>r</sup> Rich Russell,
Cap <sup>t</sup> Danĩ Gookin,	M <sup>r</sup> Thõ Danforth.

The names of the dep<sup>ts</sup> present.

Maj <sup>r</sup> W <sup>m</sup> Hawthorne,	M <sup>r</sup> W <sup>m</sup> Parkes,
M <sup>r</sup> Edmond Batter,	Cap <sup>t</sup> Hugh Mason,
Cap <sup>t</sup> Francis Norton,	M <sup>r</sup> Ephrajm Child,
Lef <sup>t</sup> Rich Sprauge,	M <sup>r</sup> Edw <sup>th</sup> Collins,
Lef <sup>t</sup> Roger Clap,	M <sup>r</sup> Edw <sup>th</sup> Jackson,
Ensigne Hopestill Foster,	M <sup>r</sup> Thõ Layton,
Cap <sup>t</sup> Thoñ Sauage,	M <sup>r</sup> Geo <sup>e</sup> Gittings,
M <sup>r</sup> Edward Tyng,	M <sup>r</sup> ^ Medcalfe.

THE Court mett at the tyme.

After the Gofino<sup>s</sup> declaring vnto the Court the grounds that mooved him to assemble the Court together, namely, the ships speedy departure hence to England, &c, —

Itt is ordered, that the kings mag<sup>ty</sup> that now is shall be proclaymed here in the forme hereafter expressed, in Boston, on the eighth day of this instant August, presently after the lecture:—

Forasmuch as Charles the Second is vndoubted King of Great Brittain, France, & Ireland, & all other his maj<sup>ty</sup>s territorjes & dominions therevnto belonging, & hath binn sometimes since lawfully proclaymed & crowned accordingly, wee therefore doe, as in duty wee are bound, oune & acknowledge

him to be our soſaigne lord & king, and doe therefore hereby proclajme & declare his ſajd maj<sup>ty</sup> Charles the Second to be lafull King of Great Brittain, France, & Ireland, & all other the territorjes & dominions therevnto belonging.

1661.

7 August.

W<sup>ch</sup> was performed by the ſecretary, God ſaue the king, at the time, in presence of y<sup>e</sup> Goſſn<sup>r</sup>, Colonell Temple, Dep<sup>t</sup> Goſſno<sup>r</sup>, Magiſt<sup>r</sup>, Deputjes, elders, & multitudes of people, fflower floote companjes, one troope of horſe, & maſters of ſhipps in harbo<sup>r</sup> attending.

Whereas it is ordered by this Court, that our ſoueraigne lord, King Charles the Second, be openly & publickly proclaymed in Boston vpon the eighth inſtant, at w<sup>ch</sup> kinde of ſolemnitjes diuers wicked & prophane perſons are ready to take occaſion to diſhonor God, breake the lawes, & abuſe themſelves by exceſſiue drincking, debauchery, & profanes, & for asmuch as his moſt excellent maj<sup>ty</sup> hath by his proclamation ſignified his pleaſure for ſuppreſſing ſuch exceſſes & profanes, this Court doth hereby ſtrictly forbid all diſorderly carriages at or after that ſolemnity, & declare that no perſon ſhall expect indulgenc for the breach of any lawe in force amongſt vs, but rather to expect a ſeuere proceeding therein, as the cauſe ſhall require, &, in particular, that no perſon p<sup>re</sup>ſume to drinke his maj<sup>ty</sup>s health, w<sup>ch</sup> he hath in ſpeciall forbid, and that this order ſhall be poſted vp in Boston this preſent day, that all perſons may take notice thereof.

This Court haue granted to M<sup>r</sup> Peter Hubbard, paſtor of Hingham, three hundred acres of land for a farme where it may be had, not p<sup>re</sup>judiciall to any plantation.

300 acres  
grated to M<sup>r</sup>  
Hubbard.

In an<sup>s</sup> to the peti<sup>ti</sup>on of James Pepin, the Court judgeth it meete to allow him as an inhabitant here, ſo as he vnderſtand this Court doth not allowe him to trade heere contrary to the act of Parlj<sup>am</sup>t bearing date 25th April, 1660.

An<sup>s</sup> to  
Mouns<sup>r</sup> Pe-  
peens pet.

Whereas, by the act of the high Court of Parljament, bearing date 25<sup>th</sup> Aprill, 1660, in the twelfth yeere of his maj<sup>ty</sup>s reigne, the ſeueral<sup>l</sup> gouerno<sup>r</sup>s of each plantation is required to take ſufficjent bond of all ſhipp maſters that come from England or elſewhere, of their making due & true returnes of the produce of the goods here receaved from the ports they are bound hence vnto, to his maj<sup>ty</sup>s officers of his cuſtomes in London, as the ſajd act provides, this Court judgeth it meete to declare, that the Gouerno<sup>r</sup> for the t<sup>im</sup>e being is heereby deſired, by himſelf & ſuch officer as he ſhall appointe, to take effectuell courſe that bonds be taken of all ſhipmaſters coming hither, as that act provides, & returnes made, as is there required, to his maj<sup>ty</sup>s cuſtomes, before they haue liberty to depart hence, that ſo this country may not be vnder the leaſt neglect of their duty to his maj<sup>ty</sup>s juſt comāds.

Courts order  
ab<sup>t</sup> ſhip m<sup>r</sup>  
bond.

1661.

7 August.

This Court, w<sup>th</sup> reference to the great chardg, & expence of time, & otheruise, this p<sup>s</sup>ent summer, & hinderance in harvest by Gods providence, doe order, that the generall trayning of Essex county this present yeare be remitted, & that they take y<sup>r</sup> turne y<sup>e</sup> next yeare.

[\*389.]

Lawes ab<sup>t</sup> ship-  
ping & fishing  
repealed.

\*The Court judgeth it meete to declare, that the lawe, title Ships, second section, that all ships w<sup>ch</sup> come for tradeing only from other parts shall haue free accesse into our harbors, &c, shall & is hereby repealed; and also, that the first section of the lawe, title Fish, Fishermen, page 32, shall & is hereby repealed.

Freemens lib-  
erty to choose  
18 Asis<sup>ts</sup>.

Itt is ordered by this Court, that the lawe l<sup>y</sup>mitting the nomination of but fowerteene Asistants be henceforth repealed, and that the freemen be at liberty to choose eightene Asistants, as the p<sup>a</sup>tents hath ordeyned.

Comittee to  
take vp  
moneys.

Itt is ordered by this Court & the authority thereof, that M<sup>r</sup> Russell, Cap<sup>t</sup> Sauadge, M<sup>r</sup> Edward Tyng, & Cap<sup>t</sup> Norton be a comittee in the name of this Court to take vp the s<sup>u</sup>me of one hundred pounds, & make payment thereof to Cap<sup>t</sup> Leuerett for his expense & former good services for this coun-try; as also to take order for some certajne s<sup>u</sup>me of money to be alwayes in readjnes, as neede shall appeare to M<sup>r</sup> Ashhurst, to the value of one hundred pounds, to be by him j<sup>m</sup>plojed, as neede shall require, in the prosecution of such buiseness of our colony as shall fall out, either by himself, Colonell Tem-ple, or Cap<sup>t</sup> Leueret, or either of them; and the Tresurer to engage in the name of the Court for theire repayment thereof, w<sup>th</sup> due allowance for the same, to the satisfaction of such gent<sup>m</sup> as shall make supplyes thereof in moneys, heere & in England, for the occasions afore<sup>s</sup>d.

At this Court also, it was ordered, that the addresse from this Court to his maj<sup>ty</sup> be sent, w<sup>ch</sup> was.

Courts ad-  
dresse to his  
maj<sup>ty</sup> Charles  
y<sup>e</sup> Second.

To the high & mighty prince, Charles the Second, by the grace of God King of Great Brittain, France, & Ireland, Defender of the Faith, &c.

Illustrious S<sup>r</sup>: —

That majestie & benignity both sate vpon the throne wherevnto your out casts made theire former addresse, witnes this second eucharisticall approach vnto the best of kings, who, to other titles of royaltje com<sup>o</sup>n to him w<sup>th</sup> other gods amongst men, delighted therein more peculiarly to conformance himself to the God of gods, in that he hath not despised nor abhorred the affliction of the afflicted, neither hath he hid his face from him, but when he cryed he heard.

Our petition was y<sup>e</sup> representation of an exiles necessitjes. This script, gratulatorje & lowly, is the reflection of the gracious rayes of Christian

majestje. There wee besought your favour, by presenting to a compassionate eye that bottle full of teares shed by vs in this Jeshimon. Here we also acknowledge the efficacy of regale influence to qualify these salt waters. The mission of ours was accompanied w<sup>th</sup> these churches sitting in sackcloth; the reception of yours was the holding forth the scepter of life.

We are deeply sensible of your majesties intimation relating to instruments of Satan, acted by impulse. Diabollicall Venner (not to say whence he came to us) went out from vs, because he was not of vs. God preserve your majestie from all emissaries agitated by an infernall spirit, vnder what appellations soeuer disguised. Luther sometimes wrote to y<sup>e</sup> senate of Mulhoysen to beware of the wolfe Muncer.

Royall S<sup>r</sup>: your just title to the crowne enthronizeth you in our consciences, your graciousnes in our affections, that inspireth vnto duty. This naturalizeth vnto loyalty; thence we call yow lord, hence a savior. Mephibosheth, how pjudicially soeuer misrepresented, yet rejoyceth that the king is come in peace to his oune house. Now, the Lord hath dealt well w<sup>th</sup> our lord the king; may New England, under your royall protection, be permitted still to sing the Lords song in this strange land. It shall be no greife of heart for the blessing of a people ready to perish dayly to come vpon your majestie, the blessing of yo<sup>r</sup> poore people, who, (not here to alleadge the innocency of our cause, touching which let vs liue no longer then we subject ourselves to an orderly trjall thereof,) though, in the particulars of subscription & conformitje, supposed to be vnder the hallucinations of weake brethren, yet craue leaue w<sup>th</sup> all humillitje to say, whither the voluntary quitting of our natie and dearest country be not sufficjent to expiate so innocent a mistake, (if a mistake,) let God, aingells, your majestie, & all good men judge. Now He in whose hands the tjmes & trialls of the children of men are, who hath made your majestie remarkeable paralell to y<sup>e</sup> most eminent of kings, both for y<sup>e</sup> space & kinde of yo<sup>r</sup> troubles, so as that very day cannot be excepted wherein they droue him from abiding in the inheritance of the Lord, saying, 'Goe, serve other gods,' make yow also (w<sup>ch</sup> is the croune of all) more & more like vnto him in being a man after Gods oune heart, to doe whatsoeuer he will; yea, as the Lord was w<sup>th</sup> Dauid, so let him be w<sup>th</sup> your most excellent maj<sup>ty</sup>, & make the throne of King Charles the Second both greater & better then the throne of King Dauid, or then the throne of any of yo<sup>r</sup> royall progenito<sup>rs</sup>. So shall alwayes pray, great S<sup>r</sup>,

Yo<sup>r</sup> maj<sup>ties</sup> most humble & loyall subjects,

[JO: ENDECOTT, Gouerno<sup>r</sup>.]

1661.

7 August.

1661. *\*Att another Session of the Generall Court, called by the Gounor,  
and held at Boston, 27<sup>th</sup> of 9<sup>mo</sup>, 1661.*

27 November.

[\*390.]

AT this Court a letter from the kings maj<sup>ty</sup> was read in Court, bearing date the ninth day of September last, in the thirteenth yeare of his maj<sup>ty</sup>s reigne, in & by w<sup>ch</sup> his maj<sup>ty</sup>s pleasure in relation to y<sup>e</sup> people called Quakers was signified, &c.

After the Courts due pervsall & consideration thereof, they proceeded to declare:—

Order suspend-  
ing the lawes  
ab<sup>t</sup> Quakers.

The just & necessary rules of our gouernment & condiçon for preservation of religion, order, & peace hath induced the authority here established from time to time to make & sharpen lawes ag<sup>t</sup> Quakers in refference to their restles intrusions & impetuous disturbance, & not any propensity or any inclination in vs to punish them in person or estate, as is evident by our graduall proceeding w<sup>th</sup> them, releasing some condemned & others liable to condemnation, & all imprisoned were released, & sent out of our borders; all w<sup>ch</sup>, not w<sup>th</sup>standing their restless spiritts, haue mooved some of them to returne, & others to fill the royall eares of our soueraigne lord the king w<sup>th</sup> complaints against vs, and haue, by their wearied solicitations in our absence, so farr prevayled as to obtaine a letter from his maj<sup>ty</sup>, to forbear their corporall punishment or death. Although wee hope, & doubt not, but that if his maj<sup>ty</sup> were rightly informed, he would be farre from giving them such favour, or weakening his authority here so long & orderly settled, yet, that wee may not in the least offend his maj<sup>ty</sup>, this Court doth heereby order & declare, that the execution of the lawes in force against Quakers, as such, so farr as they respect corporall punishm<sup>t</sup> or death, be suspended vntill this Court take further order.

Cap<sup>t</sup> Gookin to  
official<sup>t</sup>  
amongst y<sup>e</sup>  
Indians, &c.

In ans<sup>r</sup> to the petition of M<sup>r</sup> John Elliot, in behalf of the Indians, humbly desiring y<sup>t</sup> Cap<sup>t</sup> Gookin may be appointed by this Court, in the roome of the late Maj<sup>r</sup> Geñll Atherton, to keepe Courts amongst the Indians, &c, the Court grants their request, & appoints Cap<sup>t</sup> Gookin accordingly to suply Maj<sup>r</sup> Athertons roome.

Day of humil-  
liation.

It being obvjous to all pious & serious persons amongst vs that wee are called of God deeply to humble ourselves for the many & great sinns & euill of the country, as our vnprofitablenes, neglect, & indisposednes to a full inquiry & practice of the order of the gospell; the great ignorance & incljnation of the rising generation to vanity, prophanes, & disobedience; the sinfull indulgence in family gouernment; pride & excesse in apparrell; inordinate loue of the world & the things thereof; insensiblenes of euill occurrences; & in

speciall, Gods suffering many enenijes & vnderminers to multiply complaints against vs to our soueraigne lord the king; the impetuous & restles intrusions of hæreticks & enenijes to the wayes, worship, & ordinances of God; the cursed combination of Antichrist & his adherents to ruine & trample vpon all the sincere servants of God the world throughout,—this Court doeth comend the serious consideration of the aforesajd things, w<sup>th</sup> others of like nature, together w<sup>th</sup> the afflicted condition of the people of God elsewhere, vnto all the churches & inhabitants of this jurisdiction, & doe appoint the second day of January next to be kept a day of solemne humilliation and supplication to the Lord for a thorough redresse, & returne from the sajd iniquities, and also for the diuerting such calamitjes as are coming vpon vs & the people of God the Xtian world throughout.

1661.

27 November.

Itt is ordered by this Court, that the generall surveyors, w<sup>th</sup> Cap<sup>t</sup> Davenport & Ensigne Foster, or any three of them, are hereby empowred, as a committee, to reaire the Castle, & take a due survey of the same, w<sup>th</sup> the seuerall workes, batteryes, guns, carriages, &c, and to take care to see the same to be in reaire & fitt for service in all respects, & to charge bills vpon the Tresurer to defray the charges arising for effecting the same.

Committee to  
veiw & reaire  
y<sup>e</sup> Castle.

\*Forasmuch as by the providence of God there cannot be an election of a serjant major for the county of Suffolke as the law directs, it is therefore ordered by this Court, that the seuerall touneships for the sajd county shall meete together, and giue in their votes, as the law directs, vpon the first third day of January next, & send the same to Boston vpon the fifth day of the same weeke, there to be opened before two magistrates at the Ancho<sup>r</sup>, & therevpon to signify who is chosen to that service; the Gouver<sup>or</sup> hereby being ordered to install the person chosen for a serjant major in his place, as the major generall by law is appointed to doe.

[\*391.]

Order to choose  
a serj<sup>t</sup> maj<sup>r</sup>  
for Suffolke.

In ans<sup>r</sup> to the petiçon of M<sup>r</sup> Kirke, Deane, &c.

Whereas a seizure of certaine French goods hath beene made by M<sup>r</sup> Deane, M<sup>r</sup> Kelond, M<sup>r</sup> Kirke, &c, who, in prosecution of the sajd case, did obtaine a speciall Court to be called, which, at the tyme appointed, fayling, by the absence of some members thereof, thõ at the same tyme seuerall of the magistrates being present, and the sajd gent<sup>n</sup> preferring a bill of comp<sup>lt</sup> or information concerning the sajd goods, alleadged to be forfeited by the act of trade, the Magis<sup>ts</sup> then assembled, being in no capacity to determine the case, ordered the sajd goods to be still secured till the next Generall Court might take order therein; and now the Generall Court being occasionally & suddainly assembled, the sajd gent<sup>n</sup>, by their petition, alleadging that some of their associates & materiall evidences are at present at such a distance, that the

Courts order  
ab<sup>t</sup> French  
ship & goods.

1661.

27 November.  
Vide file in y<sup>e</sup>  
lock box, De-  
cemb<sup>r</sup>, 61.

opportunitys of this Court cannot be attended, this Court judgeth it meete to order, that the goods seized shall still remajne sequestred, or the security w<sup>ch</sup> is, or may haue beene taken, by y<sup>e</sup> order of the Magis<sup>ts</sup>, aboue s<sup>d</sup>, remajne in force to the next Generall Court, and that in the meane time, that no information or evidenc may be wanting, the secretary is ordered & impowred to take any information the saj<sup>d</sup> gen<sup>tn</sup> shall present, & to examine & take the oaths of any & all persons that the s<sup>d</sup> gen<sup>tn</sup> shall nominate to him, or that he shall know shall be able to giue evidence in y<sup>e</sup> s<sup>d</sup> case, w<sup>ch</sup> he shall carefully keepe & present to the Ge<sup>n</sup> Court.

Certaine questions relating to y<sup>s</sup> Courts sending a meet person or persons w<sup>th</sup> an addresse to his maj<sup>ty</sup>, w<sup>th</sup> instruccōns & provission for moneys to defray the charge of such an vndertaking, so farr as they were agreed vnto, being on file, are referred to y<sup>e</sup> next Court, y<sup>t</sup> determined & issued what in such respect is of concernment to y<sup>e</sup> country, w<sup>th</sup> letters from y<sup>e</sup> Court to y<sup>e</sup> Earle of Manchester, Lord Say, & Colonell Temple, w<sup>ch</sup> also are on file.

Moulton fined  
40<sup>s</sup>.

The Magis<sup>ts</sup> in Generall Court, after the hearing of the complaint made against John Moulton, ferry man at Winissemet, w<sup>th</sup> what he could say for himself, ordered, that he be admonished for his neglects, & fined forty shillings to the country.

Order ab<sup>t</sup> M<sup>r</sup>  
Bradstreets  
lands, &c.

Whereas the honored M<sup>r</sup> Bradstreete is called, on the service of the country, to leaue his familys occasions, & goe for England, this Court doe graunt him liberty, any time w<sup>th</sup>in one yeare after his returne, to sue out his interest in any lands w<sup>th</sup>held from him by any person, & the saj<sup>d</sup> accōn or accōns to be in all points as avajleable as though it haue binne donne before the terme of fve yeares, according to lawe for issuing such clajmes, the recited lawe, or any other lawe, vsage, or custome notw<sup>th</sup>standing.

Order ab<sup>t</sup>  
Courts ad-  
jourments.

Whereas thrō the extremity of the seasons in this country, or other accidents that often happineth, that Courts of justice are sometjmes hindered & put by, to the great p<sup>j</sup>udice of justice, this Court doeth therefore order, that henceforth it shall be in the power of any one or more of the magistrates, being present at the t<sup>j</sup>me & place where the Court is to be kept, to adjourne the saj<sup>d</sup> Court to some more convenient time, as thō the whole Court had beene mett, & all jury men, wittnesses, & partjes sūmōned to attend the Court, either in ciuil or criminall cases, according to their respective sūmōns, obligations, attachments, or other process, are hereby bound to such adjourments, & all proceedings to remajne in force, as though y<sup>e</sup> ordinary course of time had binn attended.

This Court is adjourned till y<sup>e</sup> Go<sup>d</sup>no<sup>r</sup> shall see cause to call it againe.

*\*Att a speciall Sessions of the Geñ Court, called by the Gou<sup>r</sup>no<sup>r</sup> & Magis<sup>ts</sup>, & held at Boston, the 31<sup>th</sup> of December, 1661.*

1661.  
31 December.  
[\*392.]

PRESENT,	The Go <sup>r</sup> no <sup>r</sup> ,	Majo <sup>r</sup> Geñ Denisson,
	Dep <sup>t</sup> Go <sup>r</sup> no <sup>r</sup> ,	Majo <sup>r</sup> Willard,
	Mr Bradstreet,	Mr Russell,
	Mr Symonds,	Mr Danforth.
	Capt Danĩ Gookin,	

**A**FTER the Gou<sup>r</sup>no<sup>r</sup> had acquainted the Court w<sup>th</sup> the grounds & reasons of his & the Magis<sup>ts</sup> calling them at this season to meete together, —

The Court, duely considering the weight of theire occasions in England, judge meete to order, that Mr Symon Bradstreete & Mr John Norton be sent to England from this Court, to present this Courts addresse to our soueraigne lord, King Charles the Second, & negotiate our affaires w<sup>th</sup> his maj<sup>ty</sup> & his privy counsell according to instruc<sup>ç</sup>ons agreed vpon by this Court, w<sup>ch</sup> were as fol<sup>l</sup>: —

1. Yow shall present vs to his maj<sup>ty</sup> his loyall & obedient subjects, & not be wanting to instance in the particulars w<sup>ch</sup> most & best render vs so to be.

2. Yow shall indeavo<sup>r</sup> to take off all scandall & objections which are made, or may be made, against vs.

3. Yow shall, as oppertunity presents, endeavour to vnderstand his maj<sup>ty</sup> & counccills apphensions concerning vs, & to endeavour the establishment of the rights & priueledges wee now enjoy.

4. Yow shall not engage vs, by any act of yours, to any thing which may be p<sup>j</sup>udiciall to our p<sup>s</sup>ent standing according to p<sup>a</sup>tent.

5. Yow shall giue vs a speedy & constant account of all yo<sup>r</sup> transactions, & what else may be of concernment to vs.

Vpon complaint of the great abuses that are dayly co<sup>m</sup>itted by retaylers of strong waters, rums, &c, both by the stillers thereof & such as haue it from forraigne parts, this Court doe therefore order, that henceforth no person or persons shall practise the craft of stilling strong waters, nor shall sell or retayle any by lesse quantity then a quarter caske, & the same to be deliuered, not at seuerall times or in seuerall parcells, but at one t<sup>j</sup>me, w<sup>th</sup>out covyn or fraud, excepting only such as shallbe allowed annually by the County Courts respectiue<sup>ly</sup>, on p<sup>o</sup>enalty of fīue pounds forfeiture for euery time that any person or persons shall be legally convicted thereof, any lawe, vsage, or

1661. custome, or former licence to the contrary notwithstanding; provided alwayes this  
 31 December. lawe shall not prohibitt such merchants as haue strong liquors from fforeigne  
 parts in cases from selling the same by the whole case, either to such as are  
 going to sea, or to masters of familjes of good report.

Order abt y<sup>e</sup> .  
 synod.

This Court, hauing taken into consideration that there are seuerall ques-  
 tions & doubts yet depending in the churches of this jurisdiction concerning  
 seuerall practicall poynts of church disciplyne, doe therefore order & hereby  
 desire, that the churches aforesajd doe send their messengers of elders &  
 brethren to Boston the 2<sup>d</sup> Twesday of the first moneth, then & there to dis-  
 cusse & declare what they shall judge to be the minde of God, revealed in his  
 word, concerning such questions as shall be propounded to them by order of  
 this Court referring to church orders as aforesajd, and that the seuerall  
 churches take care to make due provision for the messengers by them sent.

This Court doe further order, as a meete expedient for the furtheranc  
 of th'ends proposed in calling a synod to be kept by the messengers of all y<sup>e</sup>  
 churches in this jurisdiction the 2<sup>d</sup> Twesday in March next, that the neighbor-  
 ing elders, w<sup>th</sup> as much convenient speed as may be, doe meete together &  
 consider of such questions, besides what is here vnder proposed, as they shall  
 judge necessary to be then & there discussed for the setling of peace & trueth  
 [\*393.] in these churches of Christ, & make their returne w<sup>th</sup> as much \*convenient  
 speede as may be to y<sup>r</sup> Gou<sup>r</sup> or secretary, who is to speede away a copie  
 thereof, w<sup>th</sup> the Generall Courts order, to the seuerall churches, requiring  
 them to send their messengers to attend the sajd meeting.

Quæst 1. Who are the subjects of baptisme.

Quæst 2. Whither, according to the word of God, there ought to be a  
 consociation of churches, & what should be y<sup>e</sup> manner of it.

This last question was returned to y<sup>e</sup> secretary by y<sup>e</sup> elders.

Ans<sup>r</sup> to Bal-  
 lantines peti-  
 tion.

1 Janu., 61.

In ans<sup>r</sup> to the petition of Hannah Ballantine, the Court judgeth it meete  
 that whereas there is yet vn<sup>p</sup>aid of the fine w<sup>th</sup>in mentioned the some of  
 seventy fve pounds, that the sajd some shall be payd in three seuerall pay-  
 ments, viz<sup>t</sup>, one 3<sup>d</sup> part at the end of sixe moneths now next ensuing, another  
 3<sup>d</sup> sixe months after that, & the last third sixe months after that, & that it  
 shallbe accepted of in merchantable caske, as the assignee shall direct, not  
 intending herein to alter anything referring to the first payment.

Cap<sup>t</sup> Torreys  
 recompence.

The Court, considering the service of Cap<sup>t</sup> W<sup>m</sup> Torrey, clarke to the  
 House of Deputjes for this present yeare, to be more then ordinary, judge  
 meete to order, that fve pounds, as an addition to his sallery for this yeare  
 now passing, be payd him out of this country rate.

3 comissioners  
 at Dover.

Left Roger Clap, Ensigne Hopestill Foster, & M<sup>r</sup> Thō Jones being

chosen by the toune of Dorchester to end smale cause, the Court allowes thereof; and, at the request of the toune of Dorchester, to appoint one of them to joyne persons in marriage that are published according to lawe, the Court doth heereby authorize Left Roger Clap for y<sup>t</sup> service.

1661.

31 December.  
Left Clap im-  
powred joyne  
p<sup>r</sup>sons in mar.

The connstables of Lynn, Hingham, & Concord not hauing made returnes of the warrants sent to their seuerall townes for their deputjes to attend this Court, & there being no deputjes appearing, it is therefore ordered by this Court, that the sajd connstables, for their neglects, be fined twenty shillings apeece, & the deputjes, for their non appearance, twenty shillings a day, according to lawe.

The Court, considering the shortnes of the tyme for the issuing their present occasions of so great concernment, & conceiving that the substance of what hath binn propounded, referring both to instrucōns & supply of such as are to be our messengers to England, are such as be agreeable to the apprehensions of the whole Court, yet, conceiving that the fynall conclusion thereof will not only be more readily, but also farre more safely & more conducing to the ends proposed, that the same be donne by a lesse body then this Court, doe therefore order, that the honored Dep<sup>t</sup> Goū<sup>r</sup>, Cap<sup>t</sup> Daniell Gookin, Mr Danforth, Cap<sup>t</sup> Eliazer Lusher, Cap<sup>t</sup> Edw Johnson, & Mr Joseph Hill to be a cōmittee, when this Court ariseth, hereby fully impowred & invested w<sup>th</sup> the authority of this Court to issue & determine what yet remajnes more perticularly to be donne refferring to the pmisses, attending as much as may be to the sence of what hath beene for substance agreed vpon, that so the meanes vsed for our safety may not be improoved against vs for our ruine. And it is further ordered, y<sup>t</sup> what the majo<sup>r</sup> part of the sajd cōmittee shall act or passe shall be good & effectuell to all intents & purposes, and whatsoever they shall vnder their hands act & determine, this Court heereby doth engage to performe. And further, it is ordered, that the sd cōmittee, or majo<sup>r</sup> part of them, may take all due effectuell meanes & courses to remoove any obstacle or objection that may lye in their way, and that their determinations be not disclosed vntill this Court shall call for the same. This Court, judging it meete \*to add the honored Gouverno<sup>r</sup> to this cōmittee, & doe heereby invest them, or the majo<sup>r</sup> part of them, w<sup>th</sup> that full power to act & doe whatsoever this Court might doe for the accomplishment of the negotiation; & that the Gouverno<sup>r</sup> signe the cōmission & instructions in the name of this Court, and that the secretary be present w<sup>th</sup> the sajd cōmittee, to receive & take the result of what they shall doe, & put the same vpon file, as the records of this Court.

Cōmittee to  
order, &c, ab<sup>t</sup>  
our messeng<sup>r</sup>s  
course.

[\*394.]

Itt is ordered by this Court & the authoritje thereof, that Cap<sup>t</sup> Thō

1661. 31 December.  
Cōmittee to  
rayse money,  
&c. Sauage, Mr Hezekiah Vsher, Cap<sup>t</sup> W<sup>m</sup> Daus, & the secretary, or any three of them, shall & heereby are impowred, as a cōmittee, to agree w<sup>th</sup> any person or persons in behalfe of the country in refference to the procuring such sōmes of money for the vse of the country as the cōmittee, appointed by this Court to issue & determine what yet remaines to be donne, shall determine, to be rajsed on the same termes as this Court hath appointed; & what they shall agree vpon in relation therevnto, this Court doeth heereby confirme & allow, & orders the Treasurer to engage for the same.

The Court agreed on another addresse, w<sup>ch</sup>, w<sup>th</sup> the last, &c, was referred to the consideration of the cōmittee.

The Court also ordered a letter to be writt to the church of Christ in Boston to stirr vp their willing minds to part w<sup>th</sup> the Reuerend Mr Jn<sup>o</sup> Norton, theire teacher, to further the service & occasions of the country, w<sup>ch</sup> letter is on file.

This Court is adjourned; if there be any occasion to call the Geñ Court till the 10<sup>th</sup> of March next, to be dissolved, & new elected.

1662. *Att a Generall Court of Election, held at Boston, 7<sup>th</sup> of May, 1662.*

7 May.

J N ENDECOT, Esq<sup>r</sup>, was chosen Goũno<sup>r</sup> for y<sup>e</sup> yeare, & tooke his oath.

Rich Bellingham, Esq<sup>r</sup>, was chosen Dep<sup>t</sup> Goũ, & tooke his oath.

Symon Bradstreet, Esq<sup>r</sup>,

Mr Samuell Symonds,

Cap<sup>t</sup> Thō Wiggins,

Cap<sup>t</sup> Daniel Gookin,

Majo<sup>r</sup> Geñ Daniel Denisson,

Maj<sup>r</sup> Symon Willard,

Mr Rich Russell, & Tresurer,

Mr Thō Danforth, & Cōmisssioner,

Maj<sup>r</sup> W<sup>m</sup> Hawthorne,

Maj<sup>r</sup> Eliazer Lusher,

Mr Edw<sup>o</sup> Rawson was chosen Secretary.

M<sup>j</sup> Geñ & Cōmisssioner.

were chosen Asistants, & tooke all theire oathes, except Mr Bradstreet.

The names of the seuerall deputjes returnd from the seuerall townes to serve at this Geñll Court, &c, were, —

Mr Henry Bartholmew, for Salem.

Cap<sup>t</sup> Francis Norton, Lef<sup>t</sup> Rich Sprauge, Charls Toune.

Cap<sup>t</sup> Roger Clap, Left Hopestill Foster, Dorchester.

Cap<sup>t</sup> Thō Sauage, M<sup>r</sup> Edw̃ Ting, Boston.

M<sup>r</sup> W<sup>m</sup> Parks, Roxbury.

M<sup>r</sup> Ephraim Child, ^ Water Toune.

M<sup>r</sup> Edw̃ Jackson, M<sup>r</sup> Edw̃ Collings, Cambridge.

^ Lynne.

Left Jn<sup>o</sup> Apleton, ^ Ipsuich.

M<sup>r</sup> Henry Sewall, Newbury.

James Nash, Weimouth.

Cap<sup>t</sup> Joshua Hubbard, Hingham.

Thomas Brooks, Concord.

Left Joshua Fisher, Ensiġ Danī Fisher, Dedham.

Cap<sup>t</sup> John Pinchon, Springfeild.

Left Phillip Chalice, Salisbury.

M<sup>r</sup> Samuel Dalton, Hampton.

Maximilljan Jewet, Rouley.

M<sup>r</sup> Peter Bracket, Braintry.

Cap<sup>t</sup> Rich Waldern, Douer.

Cap<sup>t</sup> Edw̃ Johnson, Wooborne.

*Hadley*, M<sup>r</sup> W<sup>m</sup> Lewis, Hadley.

M<sup>r</sup> Joseph Hills, Malden.

Cap<sup>t</sup> Thomas Clarke was chosen Speaker.

\*As an addition to the lawe about apparrell. Whereas excesse in appar- [\*395.]  
rell amongst vs, vnbecoming a wildernes condition, & the profession of the  
gospell, whereby the rising generation are in dainger to be corrupted & effemi- Addition to y<sup>e</sup>  
nated, w<sup>ch</sup> practises are wittnessed against by the lawes of God & sundry civil lawe ab<sup>t</sup> appar-  
& Xtian nations, it is therefore ordered & enacted by this Court & the rell.  
authority thereof, that all persons w<sup>th</sup>in this jurisdiction, w<sup>th</sup>er the children  
or servants that are vnder goūment in familys, that shall weare any apparrell  
exceeding the quality & condition of their persons or estate, or that is appar-  
ently contrary to the ends of apparrell, & either of these to be so judged by  
the grand jury & County Court of that sheire where such complaint or p<sup>s</sup>ent-  
ment is made, — all such persons, being convicted, shall for the first offence  
be admonished, for the second offence pay a fine of twenty shillings, for the  
third offenc forty shillings, & so following, as the offences are multiplied, to  
pay forty shillings a tyme to the treasury of that county. Also, if any taylor  
shall make or fashion any garment for such children or servants vnder goūment,

1662. as aforesajd, contrary to the minde & order of their parents or gofno's, euery such taylor shall for the first offence be admonished, & for the second offence to forfeite double the value of such apparrell or garment as he shall fashin or make contrary to the minde & order of parents or gofno's; halfe to the owner & halfe to the country. And all grand juryemen are hereby en joynd to present all those whom they doe judge breakers of this order.

7 May.

Encouragem<sup>t</sup>  
to kill woolves.

This Court doeth order, as an incouragement to persons to destroy woolves, that hencforth euery person killing any wolfe shall be allowed out of the tresury of that county where such wolfe was slajne twenty shillings, & by the toune tenn shillings, & by the country Tresurer tenn shillings, w<sup>ch</sup> the connstable of each toune, on the sight of y<sup>e</sup> eares of such woolves being cutt of, shall pay out of y<sup>e</sup> next country rate, w<sup>ch</sup> y<sup>e</sup> Tresurer shall allowe.

How to rate  
sheepe.

Whereas in the lawe, tit<sup>h</sup> Publick Charges, page 14<sup>th</sup>, sheepe are to be assessed at twenty five shillings a head, and that they are now fallen to about a fowerth part of the price they then were ordinarily sold for, whereby many are discouraged for keeping such vsefull creatures, it is therefore ordered by this Court & the authority thereof, that henceforth the rate for sheepe shall be at tenn shillings a head, any thing in the saj<sup>d</sup> recited lawe to the contrary notw<sup>th</sup>standing.

Ounors of fenc  
to pay damage  
in case.

Whereas, the lawes published concerning fences & catle being in this second edition transported from their first order & method, much difficulty doth many times arise concerning the true meaning thereof, whereby great damages doe acru<sup>e</sup> to many of the inhabitants, & consequently to the country, for prevention whereof this Court doeth order & enact, that where any catle shall trespasse on any propriety not appearing to be sufficiently fenced against swjne sufficiently yoaked & ringed, or coves & such catle as will be restrejnd by a sufficient fence, in the judgment of vejwers of fences, as page 11<sup>th</sup>, sec<sup>t</sup> 6, in all such cases the owno's of the fence or of the land shall beare all such damages as to them thereby susteined, any thing in the saj<sup>d</sup> order or any other lawe, custome, or vsage to the contrary notw<sup>th</sup>standing.

Y<sup>e</sup> keepers dis-  
chardg of pris-  
oners in case.

Itt is ordered, that when any persons are comitted to prison in any ciuil action, the keeper of the prison shall not stand chardged w<sup>th</sup> their suply of victualls or other necessaries; & in case the prisoner hath no estate, & will be deposed before any magistrate that he is not worth five pounds, the plaintifff shall provide for his releife, or otherwise the keeper shall not stand chardged w<sup>th</sup> him, & all such charges the plaintifffe shall haue power to levy w<sup>th</sup> the execution before the party be deliuered from prison.

Comittees  
power to finish  
y<sup>e</sup> Castle.

For the speedy & effectuall finishing of what is needefull to be donne at the Castle, this Court doeth order, that the comittee appointed for the saj<sup>d</sup>

worke shall and are hereby impowred (they or any three of them) to hire, or, if neede require, to impresse both men & matter for the acomplishing of the same, and to charge bills on the Treasurer for payment, or in case they, or any of them, shall pay or cause to be payd any of the sajd workmen out of any of their tounes, such shall be allowed the same out of the next country rate, and the Treasurer shall discount the same.

1662.

7 May.

\*This Court, being sencible of the encrease of prophanes & irreligiousnes, by reason of the vagrant & vagabond life of sundry persons, as well inhabitants as forreigners, that wander from their familys, relations, & dwelling places, from toun to toun, thereby drawing away children, servants, & other persons, both younger & elder, from their lawfull callings & employments, & heardning the hearts of one another against all subjection to the rules of Gods holy word & the established lawes of this collony, all which to prevent this Court doeth heereby order & enact that all such persons, wheneuer they may be found in any place of this jurisdiction, be apphended by the connstable of the sajd place, w<sup>th</sup> or w<sup>thout</sup> further warrant, & brought before the next magistrate, who, if, vpon examination shall finde them to such as doe not giue a good & sattisfactory account of such their wandering vp & doune, they shall proceede w<sup>th</sup> and against them as rogues & vagabonds, & cause them to be corporally punished, & sent from constable to constable vntill they come to the place of their aboad; or in case they will not confesse where their aboade is w<sup>th</sup>in this colony, nor yet voluntarily depart out of the same, then to be sent to the house of correction, there to remajne vntill the next Court of that county.

[\*396.]

Order abt vagabonds.

The Court, being informed by the deputjes of the seuerall tounes that bread corne is scarce amongst the people, & that seuerall ships & passengers out of England are arived, & more dayly expected, w<sup>th</sup> the consideration of supplying the fishing trade & others, doe therefore order & declare, that no person or persons shall export out of this jurisdiction any wheate or wheate flower after the 25<sup>th</sup> of this instant mō, vpon penalty of the confiscation thereof vnto the country, one fowerth part whereof shallbe to the informer. This order to continew in force vntill the Geñll Court or councill shall take further order.

Prohibition of transporting corne, flower, &amp;c.

There being seuerall rates formerly levyed for repaying the Castle, & sundry orders of Court respecting the management of the same, it is ordered by this Court, that the comitte appointed by this present Court for repaying the Castle shall & hereby are impowred to account w<sup>th</sup> any whom it may concerne respecting the aforesajd levjes, and to examine the due execution of the aforesajd orders, whether respecting Cap<sup>t</sup> Dauenport or any other, & to make returne to this Court at the next sessions thereof.

Comittees power abt y<sup>e</sup> Castle.

1662.

7 May.  
Day of humil-  
iation.

Whereas it hath pleased the Lord, after many yeares of his fatherly tenderness towards vs, wherein wee haue binn a people singularly exempted from his sharpened stroakes, wherein so many abroad haue had so deepe & peirsing a sence, but now of late it pleaseth him righteously, in respect of himself and vs, to chainge his way, turning our healthinesse into sicklignes, our sweete vnion to much disvnion, our fruitfull seasons to seasons some times threatening to w<sup>th</sup>hold the rajne, as at present, so that the earth & creatures seemes mournfull, our spirits many wayes exercised as to events & vnsetled as to trueths of great consequence, the cleerenesse of judgment being greatly advantageous not only to churches but the good of families; and that wee may enjoy and feele more of his gracious presence in recouering our primitive beautje in his wayes, to haue his asistance w<sup>th</sup> our agents abroad, w<sup>th</sup> his blessing on the synod now shortly againe to be assembled, & on all other our great concernments, doe judge the Lord calls vs to humble our soules before him, therefore this Court doe cõmend it to the pious care of all the congregations in this colonje to sett apart as a solemn day to that end, to be religiously kept in fasting & prajer, the fifth day of the next moneth, being the fifth day of the weeke.

For the better setling & accomodating of the troopers of the county of Essex, —

Essex troopers  
accomodation.

It is ordered, that the sajd troope be devided vnder their present officers, who are impowred hereby to take care & cõmand of the respective divisions, viz., that the troopers of Ipswich, Rouly, & Newbury, Andivir & Topsfeild, be vnder the cõmand of the p̃sent officers living in the sajd tounes, and that the troopers of Salem, the Riuer Head, Manchester, & Lynne be vnder the cõmand of the officers of the troope there residing, & that either of the sajd troopes haue liberty to nominate a compleat number of officers according to lawe, to be allowed & confirmed by the County Court.

[\*397.]

Mr. Daltons  
dismission.

\*Mr Sam̃ Dalton, deputy for Hampton, hauing an aged father, since his coming to this Court, daingerously, if not mortally, wounded, by the fall of a tree, desiring y<sup>e</sup> favor of this Court, is dismissed his attendance at this session.

Deputys dis-  
chardge.

Mr Thō Layton, Cap̃t Joshua Hubbard, & Left̃ Smith, on their rendring their excuses for their absence at the last sessions of the Generall Court, the Court judged it meete to remitt theire fines & dischardg them.

Court sen-  
tence ag<sup>t</sup> Saun-  
ders & Burdett.

Tobias Saunders & Robert Burdet, of Road Island, being, on the 14<sup>th</sup> of Nouember last, brought to Boston as prisoners, by virtue of a warrant from the Go<sup>u</sup>no<sup>r</sup> & Magis<sup>ts</sup>, bearing date 25 8 m̃, 1661, for a forcible entry & intrusion into the bounds of Souther Tonne, for want of security or bayle to appeare

before the Generall Court to ans<sup>r</sup> what should be lajd against them, were comitted to prison, appearing before the Court, had their full liberty to make their pleas, & in open Court the sajd Saunders & Burdet acknowledged they were the persons that had entred on the lands at Paukatucke, in the bounds of Souther Toune, as aboue. The Court, on hearing of all y<sup>e</sup> pleas made, sentenceth the sajd Tobias Saunders & Robert Burdett to pay forty pounds for their offence & towards satisfaction of the chardges expended in conveying them before authority, & that they stand comitted to prison vntill the fine be satisfied, & security giuen to the secretary to the value of one hundred pounds for their peaceable demeanor towards all the inhabitants of this jurisdiction for the future. Vide file.

1662.

7 May.

In ans<sup>r</sup> to the petition of Samuell Arnold, the Court judgeth it meete to order, that the administration graunted him the 28<sup>th</sup> of May, 1661, to his brothers estate, stand vnquestionable for the legallity of it, and that the obstruction recited in his petition be no barr to his prosecution for after times in the County Court for seeking his just right according to the administration graunted him, any thing in the lawe, title, possessions, or otherwise notwithstanding.

Ans<sup>r</sup> to Sam.  
Arnolds petition.

In ans<sup>r</sup> to the petition of the inhabitants of Marlborough, the Court judgeth it meete to allow of & graunt their desire as to their brandmarke, & referr them to y<sup>e</sup> law directing by y<sup>e</sup> selectmen to order the raying of rates.

Marlboroug  
toun mrke,  
M  
& ans<sup>r</sup> to their  
petition.

In ans<sup>r</sup> to the petition of Willjam Russell, the Court judgeth it meete to order, that the marshall, on the extent of the execution on the person or goods of sajd Russell, according to money exprest by the judgm<sup>t</sup>, shall giue the petitioner oppertunity to attach the goods seized, to respond an action of revejw at the next County Court, any thing in the judgm<sup>t</sup> notwithstanding.

Ans<sup>r</sup> to W<sup>m</sup>  
Russells  
petition.

In ans<sup>r</sup> to the petition of Maulden, this Court doe graunt to the ministry there one thousand acres of land, in any place not legally disposed of, to be foreuer appropriated to the vse & benefitt of the ministry of the sajd place, & not to be aljenated or otherwise disposed of; & all this on condition that they cause it to be bounded out & put on improovem<sup>t</sup> for the ends proposed w<sup>th</sup>in three yeares next ensuing.

Court graunt  
of a 1000 acres  
of land to y<sup>e</sup>  
ministry of  
Maulden.

The Tresurers acco<sup>t</sup> not being brought in, it is ordered, that the comittee formerly appointed, w<sup>th</sup> M<sup>r</sup> Edw<sup>d</sup> Ting joyned to them, are ordered to take his accounts & present them to the next sessions of this Court.

Comittee to  
take Tresurers  
acco<sup>t</sup>.

In ans<sup>r</sup> to the petiçon of W<sup>m</sup> Bojnton, in refferenc to a difference betweene him & M<sup>r</sup> Richard Dumer ab<sup>t</sup> land, the partjes agreeing before the comittee of this Court finally to issue their difference by arbitration of two

Ans<sup>r</sup> to W<sup>m</sup>  
Bointons peti-  
tion.

1662.

7 May.

men, w<sup>ch</sup> each other approved of, the Court appointed Major W<sup>m</sup> Hawthorne to be the third person, w<sup>ch</sup> both parties consented to. The Court judged it meet to impower fully the said committee, or any two of them, Major Hawthorne to be one, fully to determine & settle the case propounded in settling the distinct bounds & bound marks of the lands in question, on a hearing & viewing the case once w<sup>th</sup>in three moneths, and to determine & order who shall defray the charges occasioned thereby. •

[\*398.]

Ans<sup>r</sup> to Beebees petition.

\*In ans<sup>r</sup> to the petition of Thom<sup>s</sup> Beebee, humbly desiring liberty & authority from this Court to make sale of a certaine house & land at Cape Ann, &c, —

..

The Court judgeth it not meete to graunt the petitioners request, the house & land mentioned in his petition being entayled to heires vnder age, & out of this jurisdiction.

Ans<sup>r</sup> to M<sup>rs</sup> Sheafes pet.

In ans<sup>r</sup> to the petition of M<sup>rs</sup> Margaret Sheaffe, relict & administratrix to the estate of the late Jacob Sheaffe, humbly desiring the favor of this Generall Court to impower M<sup>r</sup> Joseph Rocke, administrator to the estate of the late M<sup>r</sup> John Cogans, to make a firme deede of sale to hir for that house & land w<sup>ch</sup> she lately purchasd of M<sup>rs</sup> Coggan, & adjoyines to hir oune, having payd y<sup>e</sup> sd M<sup>rs</sup> Coggan, to a smale matter, for the same, y<sup>t</sup> so she might be enabled to pay hir late husband Coggans debt, as y<sup>e</sup> order of this Court, October, 59, did impower hir, the Court, on p<sup>er</sup>v<sup>er</sup>sall of y<sup>e</sup> order & accomt, judge meet to graunt y<sup>e</sup> petitioners request, so as the heires, ex<sup>ec</sup>uto<sup>rs</sup>, or administrator<sup>s</sup> of M<sup>r</sup> Coggans estate, or y<sup>e</sup> petitioner, performe what the forementioned order requires.

Ans<sup>r</sup> to Rich. Parks petition.

In ans<sup>r</sup> to y<sup>e</sup> petition of Rich<sup>d</sup> Parkes, of Cambridg, the Court declares, he may continew his church fellowship, according to his desire, till he shall see cause to craue dismission or disinction not crossing the order of the Generall Court of May 22, 1661.

Ans<sup>r</sup> to Richard & Isack Wooddees petition.

In ans<sup>r</sup> to the petition of Richard & Isack Wooddee, the Court, on hearing the case, and on p<sup>er</sup>v<sup>er</sup>sall of an order of this Gen<sup>l</sup>l Court, dat<sup>d</sup> October, 59, for securing thirty five pounds vnto the petitioners, w<sup>ch</sup>, for ought appeares, is not performed, doe therefore order, that the administrator<sup>s</sup> of M<sup>rs</sup> Martha Coggan be responsall for the same, as also to make good all just damages for non performance of said order.

Ans<sup>r</sup> to W<sup>m</sup> Seavers petition.

In ans<sup>r</sup> to the petition of Robert Seaver, administrator to y<sup>e</sup> estate of W<sup>m</sup> Peacocke, the Court judgeth it meete to allow & approve of the order of the County Court in y<sup>e</sup> case mad<sup>d</sup> 29: 8, 61, & that the house & land be sold accordingly.

Ans<sup>r</sup> to Topsfeild petition.

In ans<sup>r</sup> to the petition of the inhabitants of Topsfeild, the Court judgeth

it meete to order that the dividing line betweene them & Salem shall be runne by Ensigne Noyse & Jonathan Danforth according to the determination of this Court in October, the charge thereof to be æqually borne by both townes concerned.

1662.

7 May.

In the case depending betweene Robt Marshall, of Boston, pl<sup>t</sup>, & Christopher Palmer, of Hampton, defend<sup>t</sup>, coming to this Court by the disagreement of y<sup>e</sup> bench & jury, the Court, on a hearing of the case, & evidences therein, doe finde for the plaintiffe, viz., Robt Marshall, concurring w<sup>th</sup> the verdict of the jury at y<sup>e</sup> Court of Assistants reuersing the judgm<sup>t</sup> of Hampton Court, & graunted the sajd Marshall costs of Court, i. e., twenty three pounds fower-teene shillings onepenny.

Courts judgm<sup>t</sup>  
in Marshall &  
Palmer's case.

In the case presented to this Courts cognizance from the Court of Assistants, by way of appeal, betweene Xtopher Palmer, plaintiffe, & Robert Marshall, defend<sup>t</sup>, in an action of the case for breach of couenant, the Court, on hearing of the case, & evidences therein p<sup>s</sup>ented, doe find for the defend<sup>t</sup> costs, fower pounds three shillings.

Courts judgm<sup>t</sup>  
in y<sup>e</sup> case of  
Xtopher Pal-  
mer & Robert  
Marshall.

It is ordered, that Cap<sup>t</sup> Richard Waldern is & shall be heereby impowred to marry such as shall be published according to lawe w<sup>th</sup>in the precincts of Douer.

Cap<sup>t</sup> Walderne  
impowred to  
marry, &c.

In ans<sup>r</sup> to the petition of Mary Chichester, the Court judgeth it meete to confirme & approve of hir sale of husbands house & land in Salem, he hauing binn fye yeares absent from hir at Virginea, many debts hauing beene contracted for hir necessary support, & the charge of y<sup>e</sup> repair of y<sup>e</sup> house being more then she is able to discharge, the whole value of it being but thirty pounds.

Ans<sup>r</sup> to Mary  
Chichester  
petition.

In ans<sup>r</sup> to the petition of John Viall, the Court judgeth it meete to reffer the petiçõner to y<sup>e</sup> County Court next in Boston, to be licensed to keepe a tauerne or not, as they see cause.

Ans<sup>r</sup> to John  
Vialls petiçõn.

\*In answer to the petition of Cap<sup>t</sup> Francis Norton in behalfe of the Artillery Company of Midlesex, the Court judgeth it meete to graunt the petiçõners, the Artillery Company there, & their successo<sup>rs</sup> in that service, a thousand acres of land where it may be found, according to lawe.

[\*399.]

1000 acres to  
y<sup>e</sup> Artillery  
Company of  
Middlesex.

In ans<sup>r</sup> to the petition of Jane Harwood, the Court judgeth it meete to to leaue the petitioners daughter to hir liberty to come into this juridiçõn, & submitt herself to the justice & mercy of the County Court.

Ans<sup>r</sup> to Jane  
Harwood.

In ans<sup>r</sup> to the petition of Samuell & Nathaniell Sherman, & Mary Clarke, children of Samuell Shearman, long since deceased, &c, the comittee of this Court, hauing considered this petition, & heard the petitioners pleas, & answer of M<sup>r</sup> Colebron, one of the administrato<sup>rs</sup> to that estate, & p<sup>er</sup>vsed the

Courts judgm<sup>t</sup>  
ab<sup>t</sup> Shearmans  
estate.

1662.

7 May.  
Ans<sup>r</sup> to M<sup>r</sup>  
Newbury & M<sup>r</sup>  
Clarks petition.

seuerall writings by them produced, returnd, that the petitioners had no such cause of complaint therein, w<sup>ch</sup> the Court allowed of & confirmed.

In ans<sup>r</sup> to the petition of Benjamin Newbury, Daniel Clarke, & Sarah Woolcot, in behalf of himself, & in right of their wives, children of the late M<sup>r</sup> Thomas Newbury, the Court judg it meete to declare, that, after their consideration & examination of the graunt, & evidences in the case, produced som<sup>e</sup> testimony of a sale, & some probabillity of payment thereon, they see no ground to graunt their petition for laying out the lands thereon mentioned; but if satisfaction be not made acco<sup>r</sup>ing to agreement, the petitioners, or whom els it may concerne, may recouer satisfaction, w<sup>th</sup> just damages.

Ans<sup>r</sup> to Ri.  
Bellinghams,  
Esq., petition.

In ans<sup>r</sup> to the petition of Rich Bellingham, Esq<sup>r</sup>, Dep<sup>t</sup> Go<sup>v</sup>, the Court, considering the grounds of his petition, judge meete it be declared, that the petitioner, continuing his claime to the house & land mentioned in his petition, by causing the same to be entred w<sup>th</sup> the recorder of that county before the 20<sup>th</sup> of this instant, he may then prosecute his ac<sup>ō</sup>n or actions ag<sup>t</sup> such as doe w<sup>th</sup>hold his interest therein at any Court of that county as to him shall seeme meete, any other acceptation or inter<sup>p</sup>tation of the lawe, title Possessions, notw<sup>th</sup>standing; & in case he be not satisfied w<sup>th</sup> the judgm<sup>t</sup> of the County Court, he may appeale as the lawe giueth liberty.

Order to lay  
out M<sup>r</sup> Rus-  
sells farme.

On the motion of M<sup>r</sup> Richard Russell, referring to the setling of the lands of his farme betweene Manchester & Glocester, it is ordered, that in case the gen<sup>tn</sup> nominated in the order of Court shall refuse or neglect to attend the same w<sup>th</sup>in two moneths, the sajd M<sup>r</sup> Russell, giving due notice of this order to the com<sup>it</sup>tee & tounes concerned, may then take an able surveyo<sup>r</sup> to determine the bounds.

Ans<sup>r</sup> to Hollo-  
ways petition.

In ans<sup>r</sup> to the petition of W<sup>m</sup> Holloway, father to the late John Holloway, that served the Go<sup>v</sup>no<sup>r</sup> as a serjant neere two yeeres, the Court judgeth it meete to graunt the sajd W<sup>m</sup> Holloway, the father, (to whom administration was graunted by the County Court to the estate of sajd John, his sonne,) one hundred & fifty acres of land in some free place neere to some plantation or farme.

Com<sup>it</sup>tee to  
take y<sup>e</sup> sur-  
veyo<sup>r</sup>s account.

Cap<sup>t</sup> Francis Norton & M<sup>r</sup> Edward Tyng are hereby impowred, as a com<sup>it</sup>tee, to take the generall surveyo<sup>r</sup>s account respecting armes & a<sup>m</sup>unition & to make returne of what they finde therein to the next session of this Court.

M<sup>r</sup> Danforth  
230 acres.

The Court judgeth it meete to graunt to M<sup>r</sup> Thomas Danforth two hundred acres of land, adjoyning to some lands he hath, betweene Conecticot path & Marlborough, & appoint Ensigne Noice, of Sudbury, w<sup>th</sup> old Goodman Rice & John How, to lay it out, w<sup>th</sup> other lands graunted to him by this

Court; & the act of any two of them to be accounted valid, both for quantity & quallity. 1662.

Vpon a motion made in the behalfe of the toune of Hampton, M<sup>r</sup> Samuell Dalton is appointed to solemnize marriage there betweene persons published according to lawe. 7 May.  
M<sup>r</sup> Sam. Dalton to marry at  
Hampton, &c.

\*In the case of Abraham Broune, of Boston, merchant, attorney to Thomas, Isacke, & John Hallet, merchants, plaintiffs ag<sup>t</sup> Mathew Armstrong, late master of the good ship called the Willjam & Thomas, defend<sup>t</sup>, coming to this Court by the disagreement betweene the bench & jury, after the Court had duely considered of the Courts judgm<sup>ts</sup>, w<sup>th</sup> the evidences in the case produced, which are on file, this Court doe judge, declare, & order, as a finall issue of the sajd case, that the sajd Mathew Armstrong, appearing before the Gouverno<sup>r</sup>, or any two magistrates, shall cleare himself, on oath, of all the money he came from Tortoodars, reserving onely one fifth part thereof to himself for his care & pajes in preserving the same; and that on the receipt of the sajd moneys, the plaintiffe shall giue him a full discharge from all further molestation referring to the moneys by them comitted to the custody of the s<sup>d</sup> Armstrong. And this Court doe order, that in case the s<sup>d</sup> Armstrong shall refuse to cleare himself by his oathe, he shall then pay to the plaintiffs fower hundred pounds, and in case that, by the providence of God, he be prevented of such an oppertunity, then his suretys shall pay vnto the plaintiffs one hundred & sixty pounds in currant money of this countrey. [\*400.]  
Courts judgm<sup>t</sup>  
in M<sup>r</sup> Broune  
& M<sup>r</sup> Arm-  
strongs case.

For a finall issue of the controuersy betweene the toune of Dedhame & some particcular inhabitants of the sajd toune & the Indians at Naticke, the Court, having considered the pleas & evidences p<sup>s</sup>ented by both partjes, and finding that although the legall right of Dedham thereto cannot in justice be denied, yet such haue binn the incouragement of the Indians in their improovements thereof, the which, added to their native right, w<sup>ch</sup> cannot, in strict justice, be vtterly extinct, doe therefore order, that the Indians be not dispossessed of such lands as they at present are possessed of there, but that the same, w<sup>th</sup> convenient accomodation for wood, & timber, & high wayes thereto, be set out & bounded by M<sup>r</sup> Thomas Danforth, M<sup>r</sup> W<sup>m</sup> Parkes, M<sup>r</sup> Ephraim Child, & M<sup>r</sup> Edw<sup>rd</sup> Jackson, or any three of them, who are hereby appointed a comittee to execut this order, and that the damages thereby susteined by Dedham, together w<sup>th</sup> the charges expended in suite about the same, be also considered & determined by sajd comittee, & such allowance made them out of Naticke lands or others yet lying in comon as they shall judge æquall, & apoint, making report to this Court the matter of charge, that so the Court may determine where to lay the same or any part thereof. Courts judgm<sup>t</sup>  
in Dedham &  
y<sup>e</sup> Indians case.

1662.

7 May.

Order abt Nic<sup>o</sup>  
Vpshall.

This Court, finding that Nicholas Vpshall, being formerly sentenced to perpetuall imprisonment, & obteyng a reprivall, hath greatly abused their lenity towards him, doe therefore order, that he shall be againe confined to the house of John Capen, of Dorchester; & in case of his refusall or non attendance thereto, to be comitted to prison by warrant from the next magistrate.

Mr Dauson,  
cornet of  
Midd. troope.

This Court, on request of Middlesex troope, doe allow & confirme Mr Nicholas Dauson cornet of the sd troope, vnder the comand of Left Thō Prentice.

Acts of the  
comitte con-  
firmed, &c, in  
reference to o<sup>r</sup>  
messeng<sup>rs</sup> ne-  
gotiation.

The returne of the comitte appointed at a Generall Court December 31, 1661, for the furtherance of the honored comissioners for our negotiation w<sup>th</sup> his royall maj<sup>ty</sup>, being openly read when the whole Court was mett together, this Court doe approve & confirme the same, w<sup>ch</sup> remaines on file.

Order abt Col-  
cott.

This Court doeth order, that Edward Colcott be sent for, by warrant from the secretary, & comitted to the house of correction in Boston, there to remaine, according to the sentence of Hampton Court, vntill he have giuen bond to the value of fifty pounds for his good behaviour.

500 acres  
graunted to  
Mr Cobbett.

In ans<sup>r</sup> to the petiçon of Mr Thō Cobbet, of Ipsuich, the Court *Court* judgeth it meete to graunt him five hundred acres of land where he cann find it according to lawe.

[\*401.]

Order abt Mar-  
shall & Palm-  
er.

\*This Court doeth order, that what moneys or goods doeth yet remaine in Robert Marshalls hands yet vn timer to Edward Colcott, according to contract, in exchang of the horses, shall be timer by the timer Marshall to Xtopher Palmer, or allowed in part of the judgm<sup>t</sup> of this Court graunted to the timer Marshall.

Ans<sup>r</sup> to Bogge-  
stow petiçon.

In ans<sup>r</sup> to the petition of the inhabitants of Boggestow, it is ordered, that Mr Edward Jackson, Mr Ephraim Child, Mr W<sup>m</sup> Parks, & Ensigne Fisher, or any three of them, shall & are hereby impowred, as a comitte, to vejw the place, & returne their apphentions to the next sessions of this Court, for setling a touneship there, as is desired.

Capt Oliu<sup>r</sup> to  
provide for the  
comissioners.

It is ordered, that Capt James Oliuer take care that due lodgings & provisions in an honorable way be provided for the comissioners of the colonjes & their attendants at their next meeting at Boston, on the countrys accompt.

A touneship  
graunted to  
Vncataquisset,  
now called  
Milton.  
1662.

In ans<sup>r</sup> to the petition of seuerall the inhabitants of that part of the toune of Dorchester where is sittuate on the south side of Naponsett Riuer, comonly called Vncataquissett, humbly desiring that according to the terme & tenor of their graunt from Dorchester, w<sup>ch</sup> is annex to their petiçon vnder the hand of W<sup>m</sup> Blake, recorder for y<sup>e</sup> toune of Dorchester, to confirme the

sajd graunt vnto them, w<sup>ch</sup> sd graunt is on file, the Court judgeth it meete to graunt their petition so farre as it concernes a tounship, &, on their request, doe order that the sajd place shall be called Milton.

1662.

7 May.

A farme of two hundred & fifty acres of land, formerly graunted to Edward Rauson, is lajd out fower or fiue miles beyond Meadfeild, bounded w<sup>th</sup> A B C D, lying at the west end of Mr Lynds farme, betweene Natick lne & Mr Winthrops farme, & is wrought by the scale of the thirty two part of an inch for two rod, as p a plot giuen vnder the hand of

250 acres lajd  
out & confirm<sup>d</sup>  
to Ed. Rauson

JOSHUA FISHER.

The Court allowes & approoves hereof.

In ans<sup>r</sup> to the petition of Major Ge<sup>n</sup> Daniel Denisson, it is ordered, that Major Hawthorne & Ensigne Houlet shall & hereby are desired & impowred to lay out his three hundred acres, & a former graunt of seuen hundred acres to Mr Bellingham, betweene Andiuier, Salem, & Rouley, so as that both farmes be layd out for quallity according to each proportion as the place will beare.

Comittee to  
lay out Maj<sup>r</sup>  
Gen. Denison  
& dep<sup>t</sup> gen.  
farme.

In ans<sup>r</sup> to the peti<sup>o</sup>n of Hannah Munings, this Court declares, that the peti<sup>o</sup>n doe not belong to the cognizance of this Court, & doe therefore order the peti<sup>o</sup>n, & pay be returnd to the peti<sup>o</sup>ner.

Hannah Mu-  
nings peti<sup>o</sup>n.

In ans<sup>r</sup> to the peti<sup>o</sup>n of Papisseconaway, this Court judgeth it meete to graunt to the sd Papisseconaway & his men or associates about Naticot, aboue Mr Brentons lands, where it is free, a mile & a halfe on either side Merremacke Riuer in breadth, & three miles on either side in length, provided he nor they doe not alienat any part of this graunt, w<sup>th</sup>out leaue & licence from this Court first obtajned.

Indian planta-  
tion Papisse-  
conaway.

In ans<sup>r</sup> to the peti<sup>o</sup>n of Thō Clarke, George Coruin, & Thō Lake, for themselves & company, the Court judgeth it meete to allow the petitioners two yeares liberty more for the setling of their plantation, as is desired.

Ans<sup>r</sup> to Mr  
Clarke & Lake  
& comp<sup>a</sup> petic.

In ans<sup>r</sup> to the peti<sup>o</sup>n of Mr Joseph Rocke, by the acts of the County Court in refferenc to the estate of Sa<sup>m</sup> Robinson, it being doubtfull whither the will be vnder probate or not, but the testimonys are most full, that Sa<sup>m</sup> Robinson was rationall at the making & signing thereof, the Court judgeth it meete to order, that the administration stand firme w<sup>th</sup> the will annext, as their direc<sup>o</sup>n in disposing the estate of the sajd Sa<sup>m</sup> Robinson.

Ans<sup>r</sup> to Mr  
Rocks peti. ab<sup>t</sup>  
Sa. Robinsons  
will.

In ans<sup>r</sup> to the peti<sup>o</sup>n of Nath Sternes & Anthony Fisher, the Court sees no cause to graunt their request.

Ans<sup>r</sup> to Sternes  
peti<sup>o</sup>.

It is ordered by this Court, & the mint master is hereby enjoyned out of

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7 May.

Order for coyn-  
ing 2<sup>d</sup>.

the first bullion that comes to his hand to coyne two penny peeces of siluer in proportion to the just value & allay of other monys allowed heere, to answer the occasions of the country for exchange; that is, the first yeare fifty pounds, in such smale money for euery hundred pounds by him to be coyned, & for after time twenty pounds in like smale money annually for euery hundred pounds that shall be coyned. & this order is to continew in force for seuen yeares, any lawe to the contrary notwithstanding.

[\*402.]

Springfeild,  
Northampton,  
& Hadley  
called Hamp-  
shire.

\*Forasmuch as the inhabitants of this jurisdiction are much encreased, so that now they are planted farre into the country vpon Conecticott Riuer, who by reason of their remotenes cannot conveniently be annexed to any of the countyes already settled, & that publicke affaires may with more facility be transacted according to lawes heere established, it is ordered by this Court & authority thereof, that henceforth Springfeild, Northampton, and Hadley shall be & hereby are constituted as a county, the bounds or ljmits on the south to be the south ljne of the pattent, the extent of other bounds to be full thirty miles distant from any or either of the foresajd townes, & what townes or villages soeuer shall hereafter be erected w<sup>th</sup>in the foresajd precincts to be & belong to the sajd county; and further, that the sajd county shall be called Hampshire, & shall haue & enjoy the libertjes & priuiledges of any other county; & that Springfeild shall be the shire toune there, & the Courts to be kept one time at Springfeild & another time at Northampton; the like order to be observed for their shire meetings, that is to say, one yeere at one toune, & the next yeare at the other, from time to tjme. And it is further ordered, that all the inhabitants of that shire shall pay their publicke rates to the countrey in fatt catle, or young catle, such as are fitt to be putt off, that so no vnecessary damage be put on the country; & in case they make payment in corne, then to be made at such prises as the lawe doe co<sup>m</sup>only passe amongst themselves, any other former or annuall orders referring to the prises of corne notwithstanding.

Ans<sup>r</sup> to wid-  
dow Palmers  
peti<sup>ti</sup>on.

In ans<sup>r</sup> to the petition of Lef<sup>t</sup> Rich Cooke on behalfe of y<sup>e</sup> widdow Palmer, the relict of Walter Palmer, & Elihu, their sonne, the Court approoves of the will of the sajd Walter Palmer, as it is now prooved by the oathes of W<sup>m</sup>, Samuell, & Nathaniel Cheesbrough, & order the execcutor to giue oath to the inventory.

Courts sen-  
tence ag<sup>t</sup> Jn<sup>o</sup>  
Baker, &c.

The Court having considered the case of John Baker & Thomas Baker, represented to this Court by the records of the County Court at Ipsuich, together w<sup>th</sup> what the partjes could say for themselves, in helping John Perly out of the prison there, who was sentenced to be whipt severely for his stealing of a mare, the Court sentenceth them to be seuerely whipt w<sup>th</sup>

tenn stripes apeece forthuith, & be bound to their good behauiour w<sup>th</sup> suretjes of twenty pounds apeece till the next County Court at Ipsuich.

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Suspension o.  
J<sup>no</sup> Bakers ex-  
ecution.

In ans<sup>r</sup> to the petition of John & Thomas Baker, the Court, considering the humble acknowledgement of the petitioners, & their ample justification of the authority of the country, doe order the execution of the sentence of this Court against them be suspended till the next session of this Court, the prisoners giving bond w<sup>th</sup> security to the value of fifty pounds a peece for their personall appearance at this Court, & in the meane time to be of good behauiour; & it is ordered that John Gold also then appeare & giue like bond of good behauiour to the magist<sup>rs</sup> of Ipsuich, at or before Salem Court, or els by sd Court be comitted to prison. Security was giuen accordingly by y<sup>e</sup> parties, Jn<sup>o</sup> Baker, y<sup>e</sup> father, & Thō Deane.

In ans<sup>r</sup> to the petition of the inhabitants of Groaten, this Court declares, that the comitte<sup>e</sup> for setling the plantation by order of this Court haue made sufficient provision for the inhabitants settled & like to settle there, & therefore see no cause to graunt this petition.

Ans<sup>r</sup> to Groa-  
ten petition.

Whereas the comissioners of the Vnited Colonjes, at their last meeting at Plimouth, made it their desire vnto this Court to graunt a convenient quantity of land in the Pequot country for a plantation vnto Cashawassit & the Pequot Indians, our subject vnder his comand, who now plant vpon the lands formerly graunted by this Court vnto the English, & possessed by them, this Court doth graunt vnto the sajd Cashawassett, aljas Herman Garret, & the Pequot Indians that are placed vnder him, eight thousand acres of land, in any place of the Pequot country vnder our jurisdiction not formerly graunted, for a touneship & plantation to the sajd Indians & their posterity, provided they continew vnder our subjection, & shall not sell or aljeinate the sajd lands, or any part thereof, to any English man or men w<sup>th</sup>out this Courts approbation; & the sajd Cashawassett & his people are to finde out a fitt place, & Cap<sup>t</sup> George Dennison, M<sup>r</sup> Amos Richardson, & Thomas Minor, or any two of them, are to see the same layd out accordingly, & make a returne to this Court.

A plantation  
graunted to  
Cashawassett &  
y<sup>e</sup> Pequotts  
under him, &c.

\*Vpon complaint by the Indians, & some English, that dwell in the Narrow Ganset countrey, that one John Ashcroft, an Englishman now dwelling in Souther Toune, hath, w<sup>th</sup> great inhumanity, broken open & robbed an Indian graue, wherevpon the Go<sup>u</sup>no<sup>r</sup> sent a warrant to the connstable of Souther Toune to apphend the sajd Ashcroft & send him to Boston to answer according to his demerit, but the sajd connstable hath not executed the sajd warrant, alleadging that the sajd Ashcroft is vnder attachments for debt, to respond before the comissioners at Southertoune, therefore did not send him to Boston,

[\*403.]

Indians compl<sup>t</sup>  
ag<sup>t</sup> Ashcroft.

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pleading ignorance of the lawe & his duty in that respect, the premisses considered, this Court doeth declare, that the constable of Souther Toune hath neglected his oath & duty, and also doe order the secretary forthwith to issue out a warrant from this Court to the connstable of Souther Toune to attach the body of John Ashcroft, & him safely to keepe vntill he giue sufficient security to the value of tenn pounds to appeare before the worp<sup>m</sup> Cap<sup>t</sup> Daniell Gookin, Cap<sup>t</sup> George Denisson, & Left<sup>t</sup> W<sup>m</sup> Hudson, who are impowred (or any two of them, whereof the said Cap<sup>t</sup> Gookin to be one) to heare & to determine the said case, and if they shall finde the said Ashcroft to be guilty of so inhumane an act, to sentence him to make satisfaction, by fine, to the said Indians, or otherwise to be corporally punished as they shall judge meete.

Minors compl<sup>t</sup>  
ag<sup>t</sup> y<sup>e</sup> Indians.

Whereas there is a complaint made by Thomas Minor, of Southerton, & the co<sup>m</sup>missioners of the said toune in his behalf, concerning injurjes offered & donne in deteyning horses from the said Minor, & threatening speeches to kill the said Minor & his company by certein Indians of the Narrowganset country, living at a fort, ouer whom one called Shumatucke is sachem, this Court doeth order, that Cap<sup>t</sup> Gookin, w<sup>th</sup> an inter<sup>p</sup>ter, doe repaire to the said fort, & declare vnto the said sachem & his people, that, if the aforesaid complant be true, that then this Court is justly offended w<sup>th</sup> such injurious & insolent dealing w<sup>th</sup> our people, in this & other respects, requiring them for the future to desist & for beare such courses, either in words or actions, as in abusing any of our people in their travaile, throwing stones at them, robbing them, or seazing vpon their horses & catle, & hiding them out of sight when demaunded, & then requiring large so<sup>m</sup>es in wompom & strong waters for taking them vp, or otherwise vsing any threatening words to our people; also, to require the said sachem to make restitution vnto Thomas Minor to his satisfaction, or otherwise to appeare before the co<sup>m</sup>missioners of the Vnited Colonjes, at their next meeting at Boston, to cleare himself.

200 acres layd  
out to George  
Smith, &c.

Layd out two hundred acres in a convenient place, not yet disposed or giuen to any, in the south side of the lands formerly graunted to Harman Garret, vpon Asibath Riuer, & in the north side of the lands graunted to the Indians of Marlborough for the Indian plantation; one hundred seventy eight acres of the said two hundred acres is vpland, and lyeth in a grand square, the first l<sup>j</sup>ne runing west & by south, the second line running south by east, the third line running east & by north, the fowerth l<sup>j</sup>ne runing north & by west; also, wee vnderwritten did lay out two acres of meadow in the west side of the aforesaid one hundred seuenty eight acres of vpland, which said two acres

of meadow joyneth to the said vpland. Also lajd out vnto the aforesajd Georg Smith twenty acres of meadow on the north east side of the aforesajd one hundred seventy eight acres of vpland, which said meadow joyneth on the north to Assibath Pond, and is bounded on the east w<sup>th</sup> a pine swampe and vpland, and ljeth in the manner of a halfe moone, and is parted from the aforesajd demised tract of one hundred seventy eight acres of vpland by a parcell of vpland & a highway which leadeth from the lands formerly graunted to Harman Garret to Sudbury mill, all which foresajd one hundred seventy eight acres of vpland, and twenty two acres of meadow, so butteld & bounded, was measured by vs vnderwritten the begining of March last past.

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EDMOND GOODENOW,  
THOMAS NOJES.

The Court allowes & approoves of this returne.

\*In ans<sup>r</sup> to the petition of Benjamin Gillam, Señ, the Court declares that the fines at present due to the county for y<sup>e</sup> delinquency of the petitioners wife being payd, w<sup>th</sup> exception of such part thereof as arise from the time of hir inability to attend publicke ordinances alleadged, if prooved, she may be dischargd from prison, provided shee keepe w<sup>th</sup>in hir oune house, attending such meetings as the law provides, & no other; it is further ordered, that the fines for the petiçōners wife delinquency be suspended the execution vntill the petitioners account, mentioned in an other petition, be audited & determined.

[\*404.]

To the Countje  
Court.  
Ans<sup>r</sup> to M<sup>r</sup>  
Gillams peti-  
çon.

Cap<sup>t</sup> Robert Lord, comāder of the ship S<sup>t</sup> George, being sent for, the Court declared, that they sent for him to giue an account for his bringing in Ann Coleman, Quaker, a decrepit person, a notable & fitt instrument of that cursed sect, duulge their tenents, & came furnished w<sup>th</sup> many blasphemous & hæreticall bookes, which she had spread abroad; that he had forfeited one hundred for so doing. Cap<sup>t</sup> Lord openly declared that when he received the passage mony for s<sup>d</sup> Anne Coleman, he did not know hir to be a Quaker, & is sencible of his doing the country injury in it, for which he is sorry, & profeder that he would keepe hir on board till he went hence, & then carry hir from hence to the place from whence he brought hir. The Court considering his ingenujty in his tenders, & also the injury offered the country by his bringing such an instrument of Sathan, the Court judgeth it meete to declare, that the sōme of one hundred pounds, w<sup>ch</sup> he had forfeited, shall be remitted, he only paying a barrell of powder for a fine to the country surveyor generall, & that he suffer not the s<sup>d</sup> Ann Coleman to come on shoare, but keepe hir on board whilst he is heere, & carry hir henc to the place from whence he brought hir.

Order ab<sup>t</sup> Ann  
Coleman &  
Cap<sup>t</sup> Lord  
fined.

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It is ordered, that Major Eliazer Lusher joyne to keepe County Courts in Salisbury, Hampton, & Douer for this yeare ensuing.

7 May.

Maj<sup>r</sup> Lusher to keepe Douer & Hampton Courts.

Mr Danforth graunt for 10<sup>th</sup> money, &c.

Itt is ordered, that for & in consideration of Mr Thomas Danforth his furnishing the comissioners to Yorke, i. e., Mr Geñill Denison & Maj<sup>r</sup> W<sup>m</sup> Hawthorn, w<sup>th</sup> tenn pounds money, shall haue graunted him, as an addition to the two hundred acres of land graunted him by this Court in 6<sup>th</sup> page of this session, so much land lying betweene Whipsufferage & Conecticut path, adjoining to his farme, as old Goodman Rice & Goodman How, of Marbleborow, shall judge the said tenn pounds to be worth, and they are impowred to bound the same to him.

300 acres to Pratt.

In ans<sup>r</sup> to y<sup>e</sup> petition of Phineas Prat, of Charls Toune, who presented this Court w<sup>th</sup> a narrative of the streights & hardshipes that the first planters of this colony vnder went in their endeavo<sup>rs</sup> to plant themselves at Plimouth, & since whereof he was one, the Court judgeth it meet to graunt him three hundred acres of land where it is to be had, not hindering a plantation.

Comitte<sup>e</sup> abt Boston corporation, or addition of power, &c.

In ans<sup>r</sup> to the petition of the inhabitants of Boston, craving the favor of this Court for some further power in refference to the well ordering of trade & tradesmen, & the suppressing of the vices so much abounding there, the Court judgeth it meete to graunt theire petition, & doe order & impower Francis Willowgby, Esq<sup>r</sup>, Maj<sup>r</sup> W<sup>m</sup> Hawthorne, Mr Henry Bartholmew, Cap<sup>t</sup> Francis Norton, Cap<sup>t</sup> Edw<sup>d</sup> Johnson, & Mr Edward Collins as a comitte<sup>e</sup> to pervse the charter now in Court, & consider how farr its meete to be granted, or what els they shall judge meete for the attayning of the ends aboue mentioned, & to make returne of what they shall conclude vpon to the next Court of Election.

[\*405.]

1000 acres of land graunted to Mr Jn<sup>s</sup> Leifet on condition, &c.

\*Itt is ordered, that Major John Leueret haue graunted to him five hundred acres of land, referring to his services for the country both in England & here, w<sup>ch</sup> five hundred acres shall be lajd out to him, together w<sup>th</sup> five hundred acres more formerly granted to him in refference to his fathers adventure of the some of fifty pounds put into the publicke stocke, in consideration whereof Bruisters Islands were formerly graunted to y<sup>e</sup> said Major John Leueret, but since adjudged by this Court to belong to the toune of Hull; wherevpon the Court graunted the five hundred acres last mentioned; this thousand acres to be lajd out in any one place, not pjudicjall to a plantation, that is free from former grants; & Ensigne John Euered alias Webb & Jonathan Danforth are hereby appointed to lay out the two grants aboue mentioned, & to make returne thereof to the next Court of Election.

Ans<sup>r</sup> to Rich. Knights petition.

In ans<sup>r</sup> to the petition of Richard Knight, humbly desiring this Courts favo<sup>r</sup> to remitt the forfeiture of forty shillings for not prosecuting an appeale

his wife made in his absence w<sup>th</sup> Jn<sup>o</sup> Witherden, from y<sup>e</sup> comissioners of Boston judgm<sup>t</sup> in June last, he being satisfied w<sup>th</sup> the sd judgm<sup>t</sup>, & not desiring to put the Court or others to trouble, &c, the Court judgeth it meete to graunt his request.

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Layd out to Mr Edmond Batter, of Salem, two hundred & fifty acres of land, more or lesse, in the wilderness on the north side of Merremacke Riuer, and on the west of Beauer Brooke, begining at a place called Double Brooke Meadow: it joynes to Beaver Brooke about sixty two poles; it lyeth forty two pole wide at the southe<sup>r</sup> end, and so ljeth on both sides of Alewife Brooke, and reacheth vp to agreat pond comonly called Long Pond, w<sup>ch</sup> lyeth in the way betweene Patucket & Jeremjes Hill; all which is sufficiently bounded by marked trees, & is more fully demonstrated by a plot taken of the same by Jonathan Danforth, surveyo<sup>r</sup>. 3<sup>th</sup> m, 1662. The Court allowes of this returne, so it excede not two hundred & sixty acres.

Mr Batters  
farme of 250  
allowed, &c.

Layd out to Arthur Mason, of Boston, one hundred acres of land in the wilderness on the east of Merremacke Riuer, being bounded by Mr Du<sup>m</sup>er on the south, one hundred & eight pole; by Merremack Riuer on the west; by land lately layd out for Billirrikey on the north, one hundred seventy eight pole; the wilderness elsewhere surrounding, according to marked trees bounded w<sup>th</sup> E, as by a plot taken of the same is more fully shewed by Jonathan Danforth, surveyo<sup>r</sup>. The Court allowes of this returne, so it excede not one hundred acres.

Arthur Masons  
farme is lajd  
out.  
100 acres.

\*Lajd out to the wo<sup>r</sup>ff<sup>ll</sup> Mr Symons five hundred acres of land, more or lesse, in the wilderness on the north of Merremacke Riuer, lying by the the riuers side, (right ouer against M<sup>rs</sup> Margaret Winthrop farme of three thousand acres, which ljeth in the bounds of Billirrikey,) at the mouth of Concord Ryuer, vpon a brooke called by the Indians Pophessgosquockegg, begining about one hundred forty sixe pole below the sajd brooke, & so runing from Merremack vp into the country northwest & by north about fower hundred ninety fower pole, then runing southwest & by west about one hundred ninety fower pole, then runig doune to Merremake againe, w<sup>ch</sup> west side of it is three hundred seventy three pole, and by Merremack Riuer vpon a crooked ljne two hundred & twelue ^, but vpon a square ljne one hundred fifty & fower pole, which parcell of land is about fower hundred & seventy acres; also, lajd out to him a parcell of meadow of about thirty acres, lying in Smale Spaugs, at the head of this ffarme, the which lyith w<sup>th</sup>in three quarters of a mile of the land. The whole is fiae hundred acres. Lajd out & bounded by Jonathan Danforth, surveyo<sup>r</sup>. The Court approoues of this returne.

[\*406.]

Mr Sam. Symons  
500 ac<sup>s</sup>  
land lajd out.

1662. \**Att the second Sessions of the Generall Court, held at Boston,*  
*8<sup>th</sup> of October, 1662.*

8 October.

[\*407.]

THE whole Court being mett together, his majestjes gracious letter, hauing binn presented to our Gouverno<sup>r</sup> & Magistrates, (by our honored & faithfull freinds & comissioners, Symon Broadstreet, Esq<sup>r</sup>, & the Reuerend M<sup>r</sup> John Norton, lately returned,) was comūicated & reade by the Gouverno<sup>r</sup> to the whole Court.

Att which tyme, also, the other letter from his maj<sup>ty</sup> relating to the iron-workes was also read.

All processe to  
be in his maj<sup>ty</sup>'s  
name.

Itt is ordered by this Court & the authority thereof, that henceforth all writts, processe, w<sup>th</sup> indictments, shall by all magistrates, the secretary, clarke of the seuerall Courts & writts, be made & sent forth in his maj<sup>ty</sup>'s name, i. e., — yow are hereby required, in his maj<sup>ty</sup>'s name, &c., — any vsage or custome to the contrary notw<sup>th</sup>standing.

Order for pub-  
lishing his  
maj<sup>ty</sup>'s letter,  
&c.

The Court, hauing duely considered of his maj<sup>ty</sup>'s letters now in Court, & the contents thereof, doe hereby order the publication thereof.

And forasmuch as the sajd letter hath influence vpon the churches as well as the ciuil state, itt is further ordered, that all manner of actings in relation therevnto be suspended vntill the next General Court, that so all persons concerned may haue tyme & oppertunity to consider of what is necessary to be donne in order to his maj<sup>ty</sup>'s pleasure therein.

A day of  
thanksgiving.

The Lord having graciously answered our publicke prayers in sparing such a part of the frutes of the earth, whereby man & beast may be sustained, (w<sup>ch</sup> the Lord threatned to deprive vs of by the late extreame droueth,) also the safe & speedy returne of our publicke messengers sent for England, together w<sup>th</sup> the continuance of the mercjes of peace, libertjes, & the gospell, this Court doeth appoint the first Wendsday in Nouember next to be kept as a solemne day of thanksgiving vnto God for his grace & favour in the premisses, & doe comēd it to all the churches & people of God in this jurisdiction to keepe the same accordingly.

Keepers of  
prison danger.

Complaint being made to this Court of abuse offered to justice thrō liberty graunted by the keepers of the prisons to such persons as stand comitted for payment of fines, & on execution graunted in ciuil cases, this Court doe order, that no person or persons, comitted as aboue sajd, shall be permitted by the keeper of the prison to goe at liberty w<sup>th</sup>out the precincts of the prison but by the license of the Court that comitted him, or of the credito<sup>r</sup> for whom execution is graunted, on pœnalty of paying the fine imposed, & satisfaction of the execution in any ciuil case.

Whereas the lawe, title Treasurers, doeth not so fully explaine itself as is intended, in order to the execution of the same in refferenc to county Treasurers, this Court declares, that the same power & direction giuen to the country Tresurer in his place is likewise intended to the county Treasurers in his place & limitts, for the better dischardge of his duty; & that euery constable betruste w<sup>th</sup> the collecting of any county rate which doeth not w<sup>th</sup>in his yeare pay in his respectiue county rate, & make vp his accounts w<sup>th</sup> the Treasurer, from w<sup>ch</sup> he had warrant so to doe, such constable shall forfeite to the county forty shillings for his defect, & be liable to cleere his accounts w<sup>th</sup>in two months; & that euery county Treasur<sup>r</sup> shall present the names of such constables as shall neglect their duty to the next County Court; & that corne or other goods payd into the county Treasurers shall be at the same prices that this Court shall from time to tyme set for the country rate from yeare to yeare, any custome or vsage to the contrary notw<sup>th</sup>standing.

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Order ab<sup>t</sup> coun-  
ty Treasur<sup>r</sup>.

Whereas it hath beene co<sup>m</sup>only practised that attachments haue bin directed to y<sup>e</sup> marshall to be served in any toune vnder the iurisdiction of that Court whereof the marshall is officer, notw<sup>th</sup>standing the lawe doeth order that all attachm<sup>ts</sup> shall be directed to the constable in such townes where no marshall dwells, it is hereby ordered & declared, that the s<sup>d</sup> custome shall be accounted legall, & shall not abate the proceeding to the trjall of any cause, provided no more costs be chardged on the defend<sup>ts</sup> then by lawe are due to a constable for serving attachm<sup>ts</sup>.

Marshalls may  
serve attach-  
m<sup>ts</sup>, &c.

\*This Court heretofore, for some reasons inducing, did judge meete to suspend the execution of the lawes against Quakers, as such, so farre as they respect corporall punishment or death, during the Courts pleasure. Now, forasmuch as new complaints are made to this Court of such persons abound- ing, especially in the easterne parts, endeavoring to drawe away others to that wicked opininon, it is therefore ordered, that the last lawe, title Vagabond Quakers, May, 1661, be henceforth in force in all respects, provided that their whipping be but through three townes; & the magistrate or co<sup>m</sup>missioners sign<sup>g</sup> such warrant shall appoint both the townes & number of the stripes in each toune to be giuen.

[\*408.]

Order for vaga-  
bond Quakers  
in force.

Whereas it appeares that, notw<sup>th</sup>standing such wholesome orders as haue hither vnto beene by the selectmen of Boston provided for the restraint of all persons from violent rideing in the streetes of the sajd toune, yet, neuertheless, many take the liberty & boldnes to gallop frequently therein, to the great endaingering the bodies & liues of many persons, especially children, who are ordinarily abroad in the streetes, & not of age or discretion suddainly to escape such danger, this Court, hau<sup>g</sup> seriously considered the premisses,

Order ag<sup>t</sup> gal-  
loping in Bos-  
ton streets.

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being carefull to prevent a practise that is like to be of such dangerous consequence, doe order, that no person whatsoever shall, after the publication hereof, gallop any horse w<sup>th</sup>in any the streetes of the sajd toune, vpon pænalty of forfeiting three shillings & fowerpence for euery such offence, vpon conviction before any one magistrate or cōmissioner of Boston, to be paid to the Treasurer of the county of Suffolke, vnlesse it appeare on extreme necessity.

Prices of corne.

Itt is ordered by this Court that the prices of corne for this yeare ensuing, w<sup>ch</sup> shall be payd in to the country rate, shall be as fol<sup>w</sup>: wheat, barly, & barly mault at fiue shillings sixepence p bushell, pease and rye at fower shillings sixepenc, & Indian at three shillings, all good & merchantable corne; & whateuer else shall be payd in the country rate to be according to money price, provided that no toune or person shall pay leane catle in the country rate, & that there be one rate & a quarter for this present yeare.

Day of humil-  
liation.

The due consideration of the afflictive & lowe estate of the cause & people of God vniuersally, w<sup>th</sup> the prevayling power of Antichrist ouer the Reformed churches beyond the seas, together w<sup>th</sup> some publicke rebukes of God among ourselves, doe call aloud to all that feare God & wish well to Zion, to be lowe in humilliations, & fervent in supplications vnto God, w<sup>ch</sup> wee cōmend as a duty to all the churches & people of God w<sup>th</sup>in this jurisdiction, & desire they will be instant in season & out of season in the aforesajd respects; and in particullar this Court doeth appoint the first Wendsday in December next to be kept by all in this jurisdiction as a solem day of fasting & prayer in the case afore<sup>s</sup>d.

Result of the  
synod ordered  
to be printed.

The Reuerend M<sup>r</sup> John Wilson, Se<sup>n</sup>, M<sup>r</sup> Richard Mather, M<sup>r</sup> John Allin, & M<sup>r</sup> Zech Symmes came into the Court, & presented to the Court the result of the late synod, w<sup>ch</sup> the Court, on their p<sup>er</sup>vsall, judged it meete to cōmend the same vnto the consideration of all the churches & people of this jurisdiction, and for that end ordered the printing thereof, the originall copie being left on file.

John & Tho.  
Bakers sen-  
tenc, &c.

John & Thomas Backer appearing in Court, the Court ordered that the sentence of the last Court ag<sup>t</sup> sajd Bakers be respitted till the next Court of Election, on condi<sup>ti</sup>ōn that they bring in the person of John Perly to some of the Magis<sup>ts</sup> at or before <sup>s</sup>d Court, or otheruise to pay fiue pounds a peece to the cōmon tresury, or in defect thereof to be punished according to former sentence; & all on condi<sup>ti</sup>ōn y<sup>e</sup> give fifty pounds bonds for their appearanc at y<sup>e</sup> next Gen<sup>l</sup> Court.

[\*409.]

Courts grant  
of 500 ac's of  
land to Coll.  
Croune.

\*This Court, as an acknowledgment of the great paines of Col<sup>t</sup> W<sup>m</sup>

Croune in behalfe of this country when he was in England, judge meete to graunt him fve hundred acres of land in any place not legally disposed of.

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Whereas this Court hath heard what hath binn layd to the charge of Sarj<sup>t</sup> W<sup>m</sup> Cotton for his scandalous speeches ag<sup>t</sup> the honored Gouverno<sup>r</sup>, w<sup>ch</sup> having binn proved, & himself not able to deny it, but fully & freely acknowledging his offence therein, & desiring this Courts fauorable interpretation of his true meaning, which was rather by way of question then chardge or censure, as he saith, judge meete to accept of his acknouledgm<sup>t</sup> of his offence, & order, that he be admonished in open Court for his bold & peremptory speeches, & so discharged him.

W<sup>m</sup> Cottons  
censure.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Joseph Hills & M<sup>r</sup> Richard Collecott, in the name & behalfe of the adventurers & copartners of the iron works. The Court, on due consideration of the contents of their petition, judge meete to graunt, that in case the petitioners haue any better plea or evidence to present in their causes then formerly, they may haue liberty in a due course of lawe to prosecute & impleade their aboue named complaints expressed in their petiçon, any former sentence or judgm<sup>t</sup> of this Court, or any other, passed ag<sup>t</sup> them notw<sup>th</sup>standing.

Ans<sup>r</sup> to M<sup>r</sup>  
Hills & M<sup>r</sup>  
Collecot peti-  
çon in behalf  
of undertak<sup>rs</sup>  
ironworks.

In ans<sup>r</sup> to the petiçon of the præsidēt & fellowes of Harvard Colledge, the Court declares, y<sup>t</sup> it was not the intent of this Court by any late lawe concerning watcheings to infringe or violate y<sup>e</sup> colledge charter, & doe order, that all stated servants or officers of the s<sup>d</sup> house, not exceeding the number l<sup>j</sup>mitted in y<sup>e</sup> charter, haue the priuiledges & imunitjes by the s<sup>d</sup> charter afforded to them.

Ans<sup>r</sup> to presid.  
& fell. petiçon  
ab<sup>t</sup> not watch-  
ings, &c.

In ans<sup>r</sup> to the petition of Thomas Wisewall & John Jackson, &c. As a full & finall issue of all things in controversie betweene the toun of Cambridge & the petitioners, the Court judgeth it meete to order, appointe, & fully empower Major W<sup>m</sup> Hawthorne, Cap<sup>t</sup> Frauncis Norton, & Cap<sup>t</sup> Hugh Mason, as a co<sup>m</sup>mittee, to giue the petitioners, or some in their behalfe, w<sup>th</sup> some appointed from & in the behalfe of the toun of Cambridge, an opportunity to make knoune their desires, & Major Hawthorne to appoint both t<sup>j</sup>me and place for the hearing of what all partjes cann say, so it be sometime before the next Court of Election, & on their hearing thereof, to issue fully, & absolutely conclude & determine what they shall judge necessary & just to be donne, as to the determini<sup>ng</sup> the fower miles bounds, that so this Court may no more be troubled thereabouts.

Ans<sup>r</sup> to M<sup>r</sup>  
Wisewall & M<sup>r</sup>  
Jacksons peti-  
çon.

In ans<sup>r</sup> to the petiçon of W<sup>m</sup> Croune, Esq<sup>r</sup>, the Court, having considered thereof, declare, that they judge not meete to avert the course of justice by

Ans<sup>r</sup> to Colo-  
nell Crouns  
petiçon.

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Ans<sup>r</sup> to Giles  
& Edw. Pason's  
petiçon.

themselves constituted, but referr the petiçoner to take his remedy ag<sup>t</sup> either officer or debtor, as he shall judg best himself.

In ans<sup>r</sup> to the petiçon of Giles & Edward Pason, humbly desiring, that as they purchased seuerall lands of the late honored Major Geñ Atharton, & made him satisfaction for y<sup>e</sup> same, as is acknowledged by y<sup>e</sup> sonnes in lawe of y<sup>e</sup> s<sup>d</sup> major, as in a note vnder their hands to y<sup>e</sup> petition annext, which is on file, that some meete person, either sonnes or administrators, be impowred by this Court to make them firme & good assurances of s<sup>d</sup> lands so purchased; & it is ordered, that the administrators of the s<sup>d</sup> late Maj<sup>r</sup> Gen<sup>l</sup> Athartons estate shall & hereby are impowred to make & confirme legall assurance of all such lands to the petiçoners as they know to be just and right for the sajd major personally to haue donne in his life time.

Ans<sup>r</sup> to Mr  
John Cheeck-  
lys petition.

In ans<sup>r</sup> to the petition of Mr John Cheeckly, the Court judgeth it meete, as most regular, to refer this petiçon to the determination of that Court, to whom the cognisance of the case doeth properly belong, & that there all partjes concerned haue liberty to speake for themselves.

[\*410.]

Cap<sup>t</sup>, lef<sup>t</sup>, &  
cornet to  
troope of Sa-  
lem, &c.

Ans<sup>r</sup> to Sr<sup>j</sup><sup>t</sup>  
Clarks petiç.

\*Mr George Corwine for cap<sup>t</sup>, Mr Thomas Putnam for lef<sup>t</sup>, Mr Walter Price for cornet, being presented to this Court as so chosen by the troopers of Salem, Lynne, &c, the Court allowes & approoves thereof.

In ans<sup>r</sup> to the petition of Sarj<sup>t</sup> Thomas Clarke, the Court judgeth it meete to abate the petiçoner fower pounds, being part of his fine.

Ans<sup>r</sup> to Cap<sup>t</sup>  
Dauis petition.

In ans<sup>r</sup> to the petition of Cap<sup>t</sup> W<sup>m</sup> Dauis, relating to M<sup>rs</sup> Mary Hills thirds to a parcell of land now his, &c, the Court exprest themselves sensible of the argum<sup>ts</sup> vsed by the petitioner for his releife, judging there is much æquity, that the same should be duly considered by the widdow therein concerned, but know not how to contribut any thing to his releife by the authority of this Court.

None to print  
w<sup>th</sup>out order,  
&c.

For prevention of irregularitjes & abuse to the authority of this country by the printing presse, it is ordered, that henceforth no copie shall be printed but by the allowance first had & obtained vnder the hands of Cap<sup>t</sup> Daniel Gookin & Mr Jonathan Mitchel, vntil this Court shall take further order therein.

Order impows  
a comitte to  
make an epis-  
tle to y<sup>e</sup> syn-  
ods result.

This Court, hauing ordered the printing of the result of the synod, doe comend it vnto the reuerend elders who presented the same, by order of the synod, that an epistle or p<sup>r</sup>face suiteable to the sajd worke be forthwith prepared, & sent to the presse, & that Mr Mitchell doe take the ouersight of the same at the presse, for the p<sup>r</sup>venting of any errata<sup>rs</sup>.

Supply of  
County Courts  
at Boston.

It is ordered, that the County Courts of Suffolke for the yeare ensuing be kept by the magistrates dwelling in the sajd county, & in case of sicknes or other fajler of any one of them, Mr Richard Russell is to supply, & in

case of fayler more then one, M<sup>r</sup> Danforth is to supply, & in case of fayler more then two of them, Cap<sup>t</sup> Gookin is to supply, & the same order is to be attended in speciall Courts held at Boston.

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The whole Court, having debated the matter in differenc betweene the M<sup>r</sup> Broad streets graunts. toune of Hadley & M<sup>r</sup> Broadstreet, doe judge meete to lymitts the bounds of Hadley at the brooke mentioned, runing on the south side of the plajne desired by M<sup>r</sup> Bradstreet, & that in all other respects the bounds of Hadley be as returnd in a former note; and doe further graunt vnto M<sup>r</sup> Broadstreet liberty to take his farme of fve hundred acres on the sajd plajne, not prejudicing any former graunt to any particular person.

In ans<sup>r</sup> to the petition of M<sup>r</sup> W<sup>m</sup> Cleoments, the Court judgeth it meete to referr him to a course of lawe for his releife therein. Ans<sup>r</sup> to W<sup>m</sup> Cleoments petition.

The constables bill in relation to the chardge of Edward Butler, of Northampton, sending to prison, to value of tenn pounds, is allowed fve pounds, whereof the Treasurer of the country is to pay, & the other fve pounds the Treasurer of the county of Hampshire is to sattisfy. Constable of Northampton bill of chardg allowd.

Ephrajm Hunt, being presented as a sarjant chosen by the millitary comp<sup>y</sup> of Weimouth, is allowed so to be, if he either take the oath of fidelity or y<sup>t</sup> of freemen, he being a member of y<sup>e</sup> church.

W<sup>m</sup> Clarke, late of Dorchester, being chosen to be leften<sup>t</sup> of Northampton, & David Wilton to be their ensigne, both confirmed by the County Court, this Court orders, y<sup>t</sup> on request of any person in their behalf, comissions be graunted to either of them, according to lawe. And it is further ordered, that the aforeseid W<sup>m</sup> Clarke shall & hereby is empowred to joyne in marriage such as shall desire the sa<sup>m</sup>, being published according to lawe. W<sup>m</sup> Clarke left, & David Wilson ensign, of Northampton. Left Clark to joyne people in marriage there.

\*Itt is ordered, that Edmond Rice, of the toune of Marlborough, shall & hereby is impowred to marry such as are duely published there according to lawe. [\*411.] Edmond Rice to joyne in marriage, &c, at Marlborough.

Vpon a motion made in behalfe of the tounes in Hampshire, itt is ordered, that in case the sajd tounes shall pay their county rate in catle, that the Treasurer shall appoint, in behalfe of the country, some indifferent person there from yeare to yeare, who shall haue power, together w<sup>th</sup> such others as the lawe directs, to put a just valluation vpon all such catle as aforesajd, & that the same be donne according to money price, or as is provided in the a<sup>n</sup>uall order about payment of country rates. Order directeing y<sup>e</sup> paym<sup>t</sup> of Hampshire county rates.

Layd out, by order of the Ge<sup>n</sup> Court, the Deputy Go<sup>v</sup>n<sup>r</sup>s, Rich Bellingham, Esq<sup>r</sup>, his farme, now in the occupation of Bray Wilkinson, the 23 of Sep<sup>t</sup>, 1662.

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The first līne runes from a white oake, marked R B, northwesterly to a rocky point, where a white oake is marked, and from thence by the southerly corner of Beachy Meadow to a white oake, marked; the length about a mile and quarter. The second līne from the last marked white oake vpon a west & by south point, about a mile to an oake marked R B.

Rich. Bellingham, Esq<sup>r</sup>, his farme lajd out.

The third līne from the sajd oake, vpon a south & by east point, a mile & quarter, to a tree marked on the southwest side of the pond, taking in a meadow of about twenty five acres, lying w<sup>th</sup>out the sajd līne, & adjoyning to it towards the northerly end thereof.

The fowerth līne from the last marked tree, vpon an east & by north point, to the first white oake marked R B, in length one mile & quarter.

Also, one hundred acres lying square on the plajne before the dwelling house of Bray Wilkinson, begining at the brooke that runnes into Prices meadow, and runing in length doune to a white oake, marked, about 160 rod, and in breadth, both ends, 100 rods, to a tree, marked, at either end; the lower or south east angle being a pine tree, marked, the vpper or northwest angle being an oake, marked, standing nere a great rocke; provided, that part of the pine swampe that lyeth w<sup>th</sup>in the sajd bounds shall be free & comōn for any to take of the tīmber grouing therein.

WILLIAM HAUTHORNE,  
THOMAS HOULET.

The Court allowes & approoves of this returne.

Layd out, by order of the Generall Court, to Daniel Denison, Esq<sup>r</sup>, maj<sup>r</sup> geñll, his farme of three hundred acres, adjoyning to the farme now in the occupation of Bray Wilkinson. Imp<sup>r</sup>: eighty acres of vpland lying in a long square, bounded on the northeast by John Putnams land, on the southwest by a brooke that runns out of a pond vnto Prices meadow, on the northwest by the land of Bray Wilkinson, & on the southeast by Prices meadow.

Dan. Denison, Esq<sup>r</sup>, his farme layd out.

Also, one hundred & forty acres, begining at a white oake, marked R B, the bounds betweene Bray Wilkinson & John Putnam & the former eighty acres, and from the sajd tree joyning vpon Bray Wilkinson in a streight līne to a rocky point, where a white oake is marked, & from thence by the southerly corner of Beachy Meadow to a white oake, marked, at the north westerly angle of Bray Wilkinsons farme, and so vp to Andiuier sixe miles bounds; also, from the sajd white oake, marked R B, vpon a north & by west līne adjoyning to John Putnams land, to a forked white oake, marked, & so to the brooke that runs by Beachy Meadow to Andiuier sixe miles bounds.

Also, eighty acres of woodland on the northeast side of the brooke that

runs by Beachy Meadow, begining at a marked tree standing neere the brooke, by a swampe, & runing north east & by east about two hundred rod to three white oakes, marked, & then turning southward about thirty rod to that part of the brooke where another brooke falls into the same, & a great rocke lyes in the midst of the brooke.

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WILLJAM HAUTHORNE,  
THOMAS HOULET.

The Court allowes & approoves of this returne.

In ans<sup>r</sup> to the petition of M<sup>r</sup> John Gifford, the Court, on conferenc w<sup>th</sup> the petitioner, it appearing on the first case mentioned in the petition that M<sup>r</sup> Gifford neuer attended the lawe to obtaine a judgment during the life tyme of the said Capt<sup>t</sup> Keajne, and in the other case the letter of attorney w<sup>ch</sup> he gaue to a gen<sup>tl</sup> in his name to bring that virdict to effect, on pervsall by the Gen<sup>l</sup> Court, October, 58, was judged invalid, & in the life tyme of sajd Webb, w<sup>ch</sup> was a considerable tyme, he nor any for him prosecuting, as the lawe directs, the Court declares there is no ground on those virdicts to proceede to judgment, the defendants being deade.

Ans<sup>r</sup> to Jn<sup>e</sup>  
Giffords peti-  
con.

\*Lajd out ^ Daniel Denison, Esq<sup>r</sup>, major gen<sup>l</sup>, his farme beyond Merremacke, July 2<sup>d</sup>, 1662. The first ljne begins at the mouth of a brooke that falls into Merremacke Riuer at the vpper end of the island ouer against Old Wills wigwam; it runns northerly about one hundred rod to a white oake standing on a round hill beyond a litle swampe, about fifty rod northerly from a white oake, marked, neare the litle swampe, vpon a rising ground.

[\*412.]

Dani. Denison,  
Esq<sup>r</sup>, his farme  
lajd out & con-  
firmed.

The second ljne runs from the sajd white oake westnorthwesterly, taking in all the meadow, to a white oake at the end of the meadow, at the westerly side of a rocky hill, on the top whereof stands two smale pines, which ljne is fower hundred rod long.

The third ljne, from the sajd oake at the head of the meadow, runs southerly & by west to a white oake, marked, at another end of the meadow, and so doune to Merremacke Riuer at the mouth of a smale brooke falling into Merremacke, about one hundred rod aboue the vpper end of the second island, where a tree is marked: this line is fower hundred and eighty rod.

The fowerth ljne is along the Riuer of Merremack, northeasterly to the mouth of the brooke, where the first ljne began: this ljne is fower hundred & forty rod long.

GEORG ABBOT, Sec<sup>y</sup>,  
THOMAS CHANDLER.

I was an eye wittnes of this. SYMON BROADSTREET.

1662.

8 October.

This Court hauing in October, 1660, graunted Major Genevill Denisson sixe hundred acres of land, (formerly graunted,) to be layd out beyond Merremacke Riuer, a litle aboue Old Wills planting ground, w<sup>ch</sup> land was then clajmed by the toun of Hauerill, as w<sup>th</sup>in their bound, for which they, by their attorneys, sumoned to appeare at that Court, did alleadg seuerall pleas, which the Court then judged invalid, and, notw<sup>th</sup>standing the same, they then graunted the sajd sixe hundred acres, provided it were not w<sup>th</sup>in seaven miles of Hauerill meeting house, w<sup>ch</sup> sajd sixe hundred acres being since lajd out, as aboue is exprest, by George Abbot & Thomas Chandler, & returned to this Court, is allowed & confirmed.

Ans<sup>r</sup> to Jn<sup>a</sup>-  
than Pooles  
petic. ab<sup>t</sup> 3  
County Troop  
officers.

In ans<sup>r</sup> to the petition of Jonathan Poole & William Greene, in behalf of the Three Countys Troope, present M<sup>r</sup> Jn<sup>o</sup> Tuttle as left, & W<sup>m</sup> Haysy as cornet, the Court orders, that, on certifficat to this Court or the Court of Asistants, that iff the sajd persons nominated for officers to y<sup>e</sup> 3<sup>d</sup> troope be circumstanced as the lawe provides, that they be allowed.

Ans<sup>r</sup> to W<sup>m</sup>  
Walkers petit.

In ans<sup>r</sup> to the petition of Willjam Walker, seaman, now a prisoner for the breach of y<sup>e</sup> law ab<sup>t</sup> making suite to a servant majd w<sup>th</sup>out the masters consent first obteyned, &c, the Court, considering he was a strainger, & not knowing the lawe, that he hath lyen in prison nere a moneth, judgd meet to graunt his request & dischargd him, he paying the chardge of the prison.

Liberty to rajse  
a troope of  
horse in  
Hampshire.

In relation to, & for the encouragement of, raying a troope of horse in Hampshire, it is hereby ordered & declared, that, in regard they are but yett in their minority, for the present, & vntill they cann attajne to more, sixe & thirty horse shall be accounted a troope, & haue liberty of chojce of capt, left, & cornett, & other officers, according to lawe, as other troopers haue, any lawe to the contrary notw<sup>th</sup>standing.

M<sup>r</sup> Lusher to  
runn y<sup>e</sup> line  
betweene Plim-  
outh & vs.

Whereas, by order of this Court, a considerable cost hath beene expended for running of the l<sup>j</sup>ne betweene Plimouth & this pattent, which is not yet perfected, by reason of the death of the late Major Atherton intervening, who was appointed for the sajd worke, it is therefore ordered, that Major Lusher doe supply the place of Major Atherton for the perfecting of the sajd worke.

Courts judg-  
ment in case  
betweene Ar-  
tillery Compa-  
ny, Bacon, &  
Symons.

In the case now depending betweene the Artillery Company of Suffolke, plaintiff, & Michael Bacon & W<sup>m</sup> Symonds, both of Wooborne, deffend<sup>ts</sup>, in an acc<sup>on</sup> of trespasse on the land of the sajd artillery, the Court, on a hearing of the case, & what hath binn alleadged by both partjes, doe finde for the deffend<sup>ts</sup> costs of Court.

In ans<sup>r</sup> to the petition of W<sup>m</sup> Davis, attorney of Edmond White, of

London, m<sup>r</sup>chant, the Court judgeth it meete to graunt the sajd Mr Edmond White seuen hundred acres of land, fower hundred whereof in refference to his adventure of ffifty pounds in the co<sup>m</sup>on stocke, the other three hundred acres in relation to his twenty pounds lent the country, & for forbearance thereof.

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Ans<sup>r</sup> to Mr  
Dauis pet., 700  
ac<sup>s</sup> graunted  
to Mr Edm<sup>o</sup>  
White, &c.

[\*413.]

Courts judgm<sup>t</sup>  
in Cutlers case.

\*In the case betweene Samuel Howard, pl<sup>t</sup>, ag<sup>t</sup> Rob<sup>t</sup> Cutler, defend<sup>t</sup>, in an ac<sup>o</sup>n of appeale from the County Court of Middlesex to the last Court of Asistants, falling to this Court by disagreement of bench & jury, the Court, hauing considered of all the pleas & evidences in the case made & produced, doe determine for the defend<sup>t</sup>, Rob<sup>t</sup> Cutler, costs of Court, seven pounds nine shillings & fower pence.

In ans<sup>r</sup> to the petition of seuerall merchants & seamen inhabiting w<sup>th</sup>in the jurisdiction of the Massachusetts colony, humbly craving releife in refference to y<sup>e</sup> impositions imposed on ship masters, &c, the Court judgeth it meete to order & appoint the secretary, Cap<sup>t</sup> Clarke, Cap<sup>t</sup> Lake, Mr Jn<sup>o</sup> Joyliffe, Mr Lynde, & Mr Th<sup>o</sup> Bratle a co<sup>m</sup>ittee to consider of that act whereon the impositions mentioned in this peti<sup>o</sup>n is provided, & to make returne of their result thereof to the next Court of Election.

Ans<sup>r</sup> to peti<sup>o</sup>n  
of merchants.

In ans<sup>r</sup> to the peti<sup>o</sup>n of John Touton, of Rochell, in France, doctor chirurgion, in behalfe of himself & others, that himself & other Protestants, inhabitants of Rochelle, who, for their religion sake, are outed & expelled from their habitations & dwellings, &c, might haue liberty to come hither, here to inhabitt, &c, as in s<sup>d</sup> peti<sup>o</sup>n on file appeares, the Court judgeth it meet to graunt this peti<sup>o</sup>n.

Ans<sup>r</sup> to Touton  
& other Prot-  
estants of Re-  
chell peti<sup>o</sup>n.

In ans<sup>r</sup> to the petition of John Robinson, who stands co<sup>m</sup>itted by the last County Court for his contempt, vnderstanding that he hath suffered a months imprisonment for his offence, the Court judgeth it meete to discharge him the prison.

Ans<sup>r</sup> to Jn<sup>o</sup>  
Robbison  
peti<sup>o</sup>n.

It was voted by the whole Court, that Henry Roby, constable of Hampton, for his vnfaithfulnes in not duely attending his warrant in bringing Edward Colcord to prison, both in March or Aprill, & now shall loose his chardges & beare it himselfe.

Hen. Roby to  
beare his oune  
charges.

Layd out vnto Thomas Danforth, Esq<sup>r</sup>, a parcell of land, lying betweene Marlborough & Kenecticut Path, & is bounded easterly by Sudbury lands, adjoyning to that part of their bounds neere Lanmun, the land of John Stone, & a part of Natick plantation; southerly, by the lands of the sajd Thomas Danforth & Natick lands; northerly, w<sup>th</sup> the other part of Sudbury bounds towards Marlbury; and westerly, w<sup>th</sup> the country lands, the sajd west l<sup>j</sup>ne

Mr Danforths  
farmes lajd  
out.

1662.

8 October.

being limited by a pine tree, marked w<sup>th</sup> D, and standing on the north side of that branch of Sudbury Riuer that cometh from Marlbury, & on the west side of Angellico Brooke, & from the said pine tree continuing a south west l<sup>ne</sup> vnto the other branch of Sudbury Riuer, that is the bounds of Naticke plantations, & from the said pine tree northerly continuing vnto Sudbury bounds, runing by a tree marked in the high way that leadeth from John Stones house to Marlbury, in which tract of land, bounded as aboue said, is conteyned two hundred acres of land belonging vnto John Stone, & is excepted out of that layd out vnto the said Thomas Danforth; also, fower hundred & fifty acres of land graunted by the Generall Court, in two seuerall graunts, to the said Thomas Danforth, and the remainder thereof is for the sattisfaction of moneys disbursed by the said Thomas Danforth for the vse of the country, by the appointment of the Generall Court, giuen vnder our hands the 27<sup>th</sup> of May, 1662.

EDMOND RICE,  
JOHN HOW.

Att a County Court held at Cambridge, October 7<sup>th</sup>, 1662, Edmond Rice & John How, appearing in Court, acknowledged this aboue written to be their act, according to the appointment of the Generall Court.

DANIEL GOOKIN,  
SYMON WILLARD,  
RICHARD RUSSELL.

The Court allowes & approoves of this returne.

Courts sen-  
tence ag<sup>t</sup> Edw.  
Colcord.

Whereas Edward Colcot was sentenced by the County Court at Hampton, in October last, to be sent & put into the house of correction at Boston, & not be dischargd thence till he gaue sufficient bond for his good behaiour, the constable neglecting his duty in putting him in to the house of correction, and, by the subtilty of said Edward Colcord, bond was giuen for his good behaiour, & the other part not yet performed, the Generall Court, in May last, ordered, that the said Colcord should, by warrant from the secretary, be brought into the house of correction, according to said Hamptons Courts sentence. The Court hauing put it to the question whether the sentence of the Generall Court in May last shall be nulled, the Court resolved it on the negatiue, & ordered, that, after the said Colcot haue suffered in the house of correction, he shall be dischargd the prison forthwith, and Henry Roby, constable of Hampton, for his neglect, shall loose all his chardges for

bringing the said Colcot to Boston, both formerly & now, & beare it himself.  
Voted by y<sup>e</sup> whole Court.

\*Mr Christopher Clark bringing in a bill of chardges for Mr Broadstreet & Mr Nortons passage to England, for demorage, &c, to value of sixty six pounds, the Court judgeth it meete to allow forty pounds thereof, conceiving there is no more due on a just accompt.

Itt is ordered, that Cap<sup>t</sup> Tho Breden shall be sent for, and acquainted that the Court hath tooke notice of his contemptuous carriage in the Court in the forenoon, & his vsurping authority ouer this gouern<sup>t</sup>, by comāding the Generall Court, as in his warrant appeares, shall stand comitted to prison till the Court take further order.

It was voted by the whole Court, mett together, that there should be a millitary watch this night, & till this Court shall take further order, each of the fower cap<sup>t</sup>s to send two files each night.

This Court, hauing considered of the insolencjes & contempt of Cap<sup>t</sup> Thomas Breden against this Court, in the face of the country, tending to mutiny, sedition, & subuersion of the gouernm<sup>t</sup> here established by his maj<sup>ty</sup>s letters pattents, doe sentence the said Thomas Breden to giue two hundred pound bonnd, w<sup>th</sup> sufficjent suretjes for his good behaiour, and also that he pay a fine to the countrje of two hundred pounds, that he stand comitted till he performe this judgm<sup>t</sup>.

The Court, being sencible of the great inconueniency that acreues to both English & Indians in & by y<sup>e</sup> neglect of an issue to the controuersy between y<sup>e</sup> toune of Dedham & the Indians at Naticke, vnderstanding that Deacon Child is disabled by the providence of God, & Mr Danforth vtterly declin<sup>g</sup> the worke, doe order, that Mr Edward Tyng & Lef<sup>t</sup> Cooke be added in their steede, to prosecute the order of this Court in May last, & that the worke be issued w<sup>th</sup>in sixe weekes at farthest, Mr Ting appointing time & place of meeting.

In ans<sup>r</sup> to the petition of the inhabitants of Douer, humbly craving releife ag<sup>t</sup> the spreading, &c, the wicked errors of the Quakers amongst them, &c, it is ordered, that Cap<sup>t</sup> Richard Waldern shall & hereby is impowred to act in the execution of the lawes of this jurisdiction against all criminall offendo<sup>rs</sup> w<sup>th</sup>in the said toune of Douer, as any one magistrate may doe, vntill this Court shall take further order.

It is ordered by this Court & the authority thereof, that Cap<sup>t</sup> Richard Waldern shall be & hereby is comissionated & fully impowred to repaire to Yorke at the time of the County Courts adjournment, & send for the seuerall persons chosen comissioners by the said county, & giue them their seuerall

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[\*414.]

Mr Xtoph<sup>r</sup>  
Clark m<sup>r</sup> ships  
society bill to  
40<sup>th</sup> allowed.

Cap<sup>t</sup> Bredens  
comittm<sup>t</sup> war-  
rant issued out  
accordingly.

Millitary  
watch, &c, war-  
rant issued out  
accordingly.

Courts sen-  
tence ag<sup>t</sup> Cap<sup>t</sup>  
Breden.

Co<sup>m</sup>ittee to  
issue y<sup>e</sup> Indian<sup>s</sup>  
& Dedham  
contro<sup>l</sup>lsy.

Ans<sup>r</sup> to Douers  
petition.

Cap<sup>t</sup> Walderns  
comission, &c.

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oaths to administer justice, according to lawe, for the yeare ensuing, & till new be chosen & sworne.

To the inhabitants of Yorkeshire.

Warrant o  
Yorks.

Yow & euery of yow are hereby required, in his maj<sup>ty</sup>s name, to yeild faithfull & true obedience vnto the gouernment of the jurisdiction of the Massachusetts, established amongst y<sup>o</sup> according to yo<sup>r</sup> couenant & artickles, vntill his maj<sup>ty</sup>s pleasure be further knowne.

Itt is ordered, that the copie of the aboue written warrant be sent forth-with to the recorder of Yorkeshire, by him to be sent to all the tounes in the sajd shiere, & the constable of each toune is required to publish the same.

Courts ans<sup>r</sup> to  
Virginea letter.

A letter from Francis Morgan, Esq<sup>r</sup>, & M<sup>r</sup> Thō Ladwell, secret<sup>r</sup> for Virgina, bearing date 23<sup>d</sup> March, 166<sup>1</sup>/<sub>2</sub>, was read in Geñ Court, 9 October, 1662, & an ans<sup>r</sup> made thereto by the Court, to be returned, both w<sup>ch</sup> are on file.

Ans<sup>r</sup> to M<sup>r</sup>  
Cleaves petition.

In ans<sup>r</sup> to the petition of M<sup>r</sup> George Cleaues, it is ordered, that *that* the next County Court of Yorke examine the grounds of these complaints exhibited against M<sup>r</sup> Jordan, & to proceed therein as they shall judge meete, according to lawes heere established.

[\*415.]  
Comitte to lay  
out Indians  
land.

\*Itt is ordered, that Majo<sup>r</sup> Symon Willard, Jn<sup>o</sup> Parker, & Jonathan Danforth be appointed a comitte to lay out the Indians allowanc of land, according to the intent of the first grant in y<sup>t</sup> place, to M<sup>r</sup> Winthrop, & that M<sup>r</sup> Winthrop haue his farme lajd him out of the lands adjoyning, according to his grant.

Ans<sup>r</sup> to Vnice  
Coles petiçō.  
W<sup>m</sup> Salters &  
Hampton  
petiçō.

In ans<sup>r</sup> to the petiçōns of Vnice Cole, the inhabitants of Hampton, as also the petiçōn of W<sup>m</sup> Salter, all in relation to the sajd Vnice Cole, the Court doe order, that the sajd Vnice Cole pay what is due on arreares to the keeper, & be released the prison, on condiçōn that she depart, w<sup>th</sup>in one month after her release, out of this jurisdiction, & not to returne againe on pœnalty of hir former sentenc being executed against hir.

This Court is dissolued.

*\*Att a Generall Court of Election, held at Boston, 27<sup>th</sup> of May, 1663.* 1663.

JOHN ENDECOTT, Esq̃, was chosen Goũ for the yeare ensuing, & tooke his oath.

27 May.  
[\*416.]

Rich Bellingham, Esq̃, was chosen Dep<sup>t</sup> Goũno<sup>r</sup>, & tooke his oath.

Symon Broadstreet, Esq̃, & Cõmissioner for y<sup>e</sup> Vnited Colonjes.

Samuell Symons,

Thomas Wiggin,

Daniel Gookin,

Daniel Denisson, Esq̃,

Symon Willard,

Rich Russell, &

Thomas Danforth, &

Willjam Hawthorne,

Eliazer Lusher,

were chosen Asistants for y<sup>e</sup> yeer ensuing, & tooke their oaths.

Treasurer.

Cõmissioner for y<sup>e</sup> Vnited Colonjes.

Edward Rawson was chosen Secretary.

Jn<sup>o</sup> Leueret, Esq̃, was chosen Majo<sup>r</sup> Geñll, & tooke his oath.

The names of the deputjes returnd from the seuerall townes to serve at this Generall Court were, —

Mr Edmond Batter, Mr Henry Bartholmew, Salem.

Cap<sup>t</sup> Francis Norton, Lef<sup>t</sup> Rich Sprague, Charls Tow̃.

Cap<sup>t</sup> Roger Clapp, Lef<sup>t</sup> Hopestil Foster, Dorchester.

Cap<sup>t</sup> Jn<sup>o</sup> Leueret, Cap<sup>t</sup> Thō Clarke, Boston.

Mr W<sup>m</sup> Parkes, Lef<sup>t</sup> Griffin Crafts, Roxbury.

Lef<sup>t</sup> Rich Beers, Ensiġ John Sherman, Water Toune.

Mr Edward Collings, Lef<sup>t</sup> Edw̃ Winship, Cambridge.

Cap<sup>t</sup> Thō Marshall, Lynn.

Lef<sup>t</sup> Jn<sup>o</sup> Apleton, Mr Jn<sup>o</sup> Gettings, Ipswich.

Mr Henry Seawall, Newbery.

Mr Thō Dyer, Weimouth.

Cap<sup>t</sup> Thō Sauage, Cap<sup>t</sup> Josh Hubbard, Hingham.

Cap<sup>t</sup> Timothy Wheeler, Concord.

Lef<sup>t</sup> Josh Fisher, Ensigne Danī Fisher, Dedham.

Cap<sup>t</sup> Jn<sup>o</sup> Pinchon, 1 S., Springfeild.

Cap<sup>t</sup> Robert Pike, 1, Mr Jeř Houchin, 2<sup>d</sup> S., Salisbury.

Cap<sup>t</sup> W<sup>m</sup> Gerrish, Hampton.

Maximilt Jewet, Rouley.

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Sañ Basse, Braintree.

Cap<sup>t</sup> Edw Johnson, Wooborne.Cap<sup>t</sup> Rich Walderne, Douer.Cap<sup>t</sup> Brian Pendleton, Portsmouth.M<sup>r</sup> Roger Plaisted, Kettery.M<sup>r</sup> Edw Rishworth, Yorke.M<sup>r</sup> Ralph Whelocke, Meadfeild.M<sup>r</sup> Georg Cleaues, Falmouth.Lef<sup>t</sup> W<sup>m</sup> French, 1 S., Billirrikey.Lef<sup>t</sup> W<sup>m</sup> Clarke, North Hampton.Lef<sup>t</sup> Samuel Smith, M<sup>r</sup> W<sup>m</sup> Lewis, Hadly.M<sup>r</sup> Joseph Hills, Maulden.Ensigne John Webb, 2<sup>d</sup> Sess<sup>i</sup>, Chelmsford.Majo<sup>r</sup> Geñ John Leueret was chosen Speaker for this sessions.

[\*417.]

Act of y<sup>e</sup>  
council.

\*This day the secretary made his returne of what he had donne, in obedienc to an order of the councill, w<sup>ch</sup> was as followeth: Boston, 5<sup>th</sup> March, 1662. Seuerall informations being giuen to the councill, that Isacke Cole, constable, of Wooborne, had refused to take & publish the kings maj<sup>ty</sup>s letter, and also to serve attachments in his maj<sup>ty</sup>s name, and that some one of the selectmen is informed to haue spoken of sajd letter to be Popery, &c, the councill judged it meete to order, that the secretary send forth his warrants by order of this council, to convent the accuser & wittnesses before him, &, on due euidence, to send for the accused, binding the accuser to prosecute, & the accused to answer for his high misdemeanors to the next Generall Court, taking security for the same. Warrants on 12 M<sup>rch</sup>, 1662, issued out accordingly; &, on 19<sup>th</sup> sajd March, Thō Dutton, as accuser, was bound, & Isacke Cole, constable, & Edw Convers, one of y<sup>e</sup> selectmen, as accused, were respectiuely bound to prosecute, & make ans<sup>rs</sup> as the sajd order aboue directs, w<sup>ch</sup> warrants & bonds are on file at the time the partjes appeared before the Generall Court, who, hauing heard w<sup>t</sup> Thomas Dutton could say in way of accusation ag<sup>t</sup> the sajd Isack Cole, constable, of Wooborne, for his refusing to take & read his maj<sup>ty</sup>s letter & serve attachments, & considering of the evidences produced, which are on file, ordered as vnderwritt, &c.

Dutton compl<sup>t</sup>  
ag<sup>t</sup> Isake Cole.Idem ag<sup>t</sup> Edw.  
Conuurse.

As also, the Court hauing considered w<sup>t</sup> the sajd Dutton could say ag<sup>t</sup> Edward Conuers, &c, it was putt to the question whither there be any thing conteyned in the testimonys of Thomas Dutton & Willjam Symons ag<sup>t</sup> Edward Converse, which doeth reflect on his maj<sup>ty</sup>s letter. It was resolved on the

negative. The Court graunted the said Thō Dutton his bill of costs, i. e., sixteene shillings, to be p<sup>d</sup> by y<sup>e</sup> Tresurer of the country; and also ordered, that Isacke Cole be dismiss home at present, till the Court shall order his appearance againe.

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This Court, taking in to consideration the petition of seuerall the inhabitants of this jurisdiction for the regulating the taking of bonds of shipmasters, according to the act of trade, bearing date the 25<sup>th</sup> of Aprill, 1660, & accounting it our duty to observe his maj<sup>ty</sup>s pleasure therein, doe order, & be it heereby enacted, that all shippes & other vessells, coming into any port or harbor in this jurisdiction, which haue not giuen in bond to some of his maj<sup>ty</sup>s cheife officers of his customehouses in England, Ireland, Wales, or toune of Beruicke vpon Tweede, & shall take in, as merchandize, sugar, tobacco, cotton, wooll, indego, ginger, fusticke, or other dying wood of the groweth, production, or manufacture of any of the English plantations in Amerrica, Asia, or Affrica, shall giue in bond that the said goods shall be carryed to some other of his maj<sup>ty</sup>s plantations, or to England, Ireland, Wales, or the toune of Beruicke vpon Tweed; and the secretary is hereby appointed the officer to take bond at Boston, & appoint clarkes in other parts or harbours in this jurisdiction, as the act of trade directs, for which each shipmaster giving bond shall pay seven shillings, and in no other case bond to be imposed.

Order regulat-  
ing bonds of  
ship m<sup>rs</sup>, &c

That meet provision be made for keeping the County Courts in Suffolke, this Court doeth order, that Mr Symons & Majo<sup>r</sup> Generall Dennison doe attend the same the next Court, Mr Broadstreet & Majo<sup>r</sup> Hawthorne October Court, Mr Russell & Mr Willowghby January Court, & Cap<sup>t</sup> Gookin & Mr Danforth Aprill Courts.

Proviñon for  
County Court  
in Suffolke.

Itt is ordered, that the printing presse be at liberty as formerly, till this Court shall take further order, & the late order is heereby repealed.

Printing at lib-  
erty.

Whereas, on seuerall motions to the Generall Court & councill, the ordinary regimentall traynings for this two yeeres haue, for reasons then appearing to them, bin omitted, when it fell to the majo<sup>r</sup> of the regiment of Essex,—that this Court therefore might declare where & when the regimentall proceedings & traynings should take place, it is therefore ordered that (there being no fayling in the majo<sup>r</sup> of Essex regiment, the omission being judged necessary, and the Court not willing to discourage the souldjery by further omission of so necessary a service) the majo<sup>r</sup> of Essex regiment proceede to call forth his regiment to exercise this sommer, as he shall judge best as to the time, and so the majo<sup>r</sup> of Suffolke y<sup>e</sup> next yeere, and the majo<sup>r</sup> of Middlesex the yeare following, & so keepe their course as the lawe directs.

Stating regi-  
mentall exer-  
cise, &c.

\*The Court, on long & serious debate of what is necessary to be donne

[\*418.]

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Co<sup>m</sup>mittee about  
his maj<sup>ty</sup>s let-  
ter.

in refference to his maj<sup>ty</sup>es letter, & there hauing binn much time already expended thereabouts, the Court, intending to breake vp speedily, in answer to his maj<sup>ty</sup>s pleasure therein, & for the sattisfaction of all persons concerned, itt is ordered, that M<sup>r</sup> Symon Broadstreet, M<sup>r</sup> Thomas Danforth, M<sup>r</sup> Eliaz<sup>r</sup> Lusher, Maj<sup>r</sup> Ge<sup>n</sup> Jn<sup>o</sup> Leueret, Cap<sup>t</sup> Edward Johnson, Cap<sup>t</sup> John Pinchon, M<sup>r</sup> Henry Bartholmew, Cap<sup>t</sup> Robert Pike, Ensigne Daniel Fisher, M<sup>r</sup> Allin, M<sup>r</sup> Reynor, M<sup>r</sup> Higginson, & M<sup>r</sup> Michell, be a co<sup>m</sup>mittee to consider of the sajd letter in the seuerall partes thereof, and they, or the major part of them, to draw vp what they shall judg mcete, & to be our duty to doe in refference therevnto, & to present the same at the next session of Court, to be further considered of, the time of meeting to be concluded on before this Court breake vp.

There being a co<sup>m</sup>mittee of magis<sup>ts</sup>, deputjes, and elders of the churches appointed by this Court to consider the perticulars relating to extending the liberty of certeine of the inhabitants in point of elections, as also what may be requisite referring to our lawes and charter, as is intimated in his maj<sup>ty</sup>s letter, and that the matters in question are of great concernm<sup>t</sup>, both ecclesiasticall and ciuil, it is therefore ordered and hereby declared, that it shall be in the libertje of any of the reuerend elders, or other of the freemen, or other the inhabitants, to send in their app<sup>h</sup>ensions relating therevnto, w<sup>th</sup> such arguments as are prevalent to their oune vnderstandings, in writting, vnto the co<sup>m</sup>mittees, or any of them, to be co<sup>m</sup>unicated vnto the whole co<sup>m</sup>mittee at their meetings for that seruice, so that, after serious consideration and conferences had, something may be deduced and agreed vpon, if it be the will of God, that may be sattisfactory and safe, as best conducing to his glory and this peoples felicity.

Co<sup>m</sup>mittee ab<sup>t</sup>  
y<sup>e</sup> militia.

There having bin seuerall things presented to this Court in consideration concerning the militia, for the rectifying what is amisse & the better settling of the same, it is ordered therefore by this Court, that Cap<sup>t</sup> Daniel Gookin, Major Symon Willard, Major General Jn<sup>o</sup> Leueret, Cap<sup>t</sup> Francis Norton, & Cap<sup>t</sup> Roger Clap be a co<sup>m</sup>mittee to drawe vp such orders as they shall judge necessary in refference to *to* what is before exprest, & to present the same to the next session of this Court in October.

Former order  
prohibbting  
trade w<sup>th</sup> y<sup>e</sup> In-  
dians in Noua  
Scotia, on y<sup>e</sup>  
motion of S<sup>r</sup>  
Tho. Temple,  
knight & bar-  
ronet, gou.  
thereof, re-  
newed, &c.

Whereas the Hon<sup>ble</sup> S<sup>r</sup> Thomas Temple, knight & barronet, is, by letters pattents & co<sup>m</sup>ission, graunted him by his most excellent maj<sup>ty</sup>, our soueraigne lord, Charles the Second, bearing date the 17<sup>th</sup> July, 1662, constituted & appointed go<sup>v</sup>rnor of Accady & Noua Scotia, from Mereliquish, on the east, to St. Georges & Musconcus, on the confines of New England, on the west, and is thereby impowred to seize & confiscate the vessells & goods of all

persons trading peltry or furs w<sup>th</sup> Indians, w<sup>th</sup>out his licence, as also to kill & destroy all such as shall resist him, as in & by the aboue men<sup>c</sup>ōned cōmission, bearing date as abouesajd, may appeare, this Court judgeth it meete, to prevent all forcible contests or vnnecessary losse that may be occasioned by any exorbitant or inconsiderate persons, as also all occasions of offence betweene this colony & the hono<sup>ble</sup> go<sup>v</sup>rn<sup>r</sup> aforesajd, being also desirous that a loving & good correspondency maybe cherrished & majntejn<sup>d</sup>, doeth order, that henceforth it shall not be lawfull for any person of this jurisdiction to trade for furs or peltry w<sup>th</sup> the Indians w<sup>th</sup>in the limitts aforesajd, w<sup>th</sup>out licence from the saj<sup>d</sup> gouerno<sup>r</sup>; and it shall be lawfull for the saj<sup>d</sup> gouerno<sup>r</sup>, or his attorney, authorized therevnto vnder his hand, to arrest, sue, & impleade any person or persons that shall be found offending herein, in any Cort w<sup>th</sup>in the l<sup>j</sup>mitts of this colony, in any action of the case or trespasse, and shall haue æquall justice therein.

1663.

27 May.

Itt is ordered, that the secretary shall & hereby is impowred to signe all such acts & orders of this present session as hath binn concluded in refferenc to the easterne county.

Secre<sup>t</sup> to signe  
all act referring  
to y<sup>e</sup> eastern  
county.

\*Itt is ordered, that Cap<sup>t</sup> James Oliuer shall & is hereby desired & impowred to make, or cause to be made, convenient & honorable provision for the cōmissioners of the Vnited Colonjes at their next meeting in Boston, w<sup>th</sup> all their attendants & horses, chardging bills on the Treasurer for due satisfaction in quallity or quantity.

[\*419.]

Cap<sup>t</sup> Oliuer to  
provide for the  
cōmission<sup>rs</sup>.

In ans<sup>r</sup> to the peti<sup>c</sup>ōn of the inhabitants of Souther Toune, the Court, hauing considered the contents thereof, doe judge meete to order, that the peti<sup>c</sup>ōners continue in their present state, according to former determination of the Vnited Colonjes, & their oath of fidellity to this gouernment, (vntill such t<sup>j</sup>me as, in an orderly way, the interruption made by our confederates of Conecticott be determined,) wherevnto they are by this Court required & encouraged.

Ans<sup>r</sup> to South  
er Toune peti-  
cōn.

Vpon the request of S<sup>r</sup> Thomas Temple, seconded by M<sup>r</sup> John Winthrop, Goueno<sup>r</sup> of Conecticut, this Court doeth remjtt the fine of two hundred pounds imposed on Cap<sup>t</sup> Bredon to the saj<sup>d</sup> S<sup>r</sup> Thomas, to be disposed of at his pleasure.

Cap<sup>t</sup> Breedons  
fine remitted,  
& giuen to S<sup>r</sup>  
Tho. Temple  
to dispose, &c.

In ans<sup>r</sup> to the petition of John Phillips, the Court judgeth it meete to leaue the answer of this petition, & the examination of the compl<sup>t</sup> referring therevnto, to the cōmissioners appointed to keepe the County Court there, where the ground of complaint ariseth.

Ans<sup>r</sup> to Jo.  
Phillips pet.

Whereas this Court thought meete, in the yeare 1656, to conferr the power of a major vpon Cap<sup>t</sup> Nichō Shapleigh, for ordering of the militia in the

Power of a  
major conferr  
on Cap<sup>t</sup> W<sup>m</sup>  
Phillips.

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27 May.

county of Yorke, vntill the Court tooke further order therein, this Court doeth hereby declare the said order & commission of Nichō Shapleigh aforesaid to be null, voyd, & of none effect, & doe further order & declare, that Cap<sup>t</sup> Willjam Phillips, of Saco, is hereby impowred & hath power to call together the cheiffe officers of each company in that county, to examine such abuses & defects as may or shall arise amongst them, and to act therein as a major may, & hath power to call the seuerall officers & companys together for exercise, till the Court see cause to take further order therein; provided that nothing in this order shall prejudice the liberty of any to elect according to lawe, & present any such officer or officers to the County Court for confirmation.

Courts recom-  
penc for y<sup>e</sup>  
comissioners  
to y<sup>e</sup> eastwrd.

It is ordered, that the bills chardged on the Treasurer by Major Ge<sup>n</sup> Denison & Major Hawthorne for payment of their expences in the service this Court imployed them in to the eastward the last yeare be dischargd out of the publicke treasury. And this Court doeth further order, that twenty pounds be allowed the comissioners going to the eastward for this yeare, and that tenn pounds there be provided in cash, & the rest by the Tresurer as they shall charge bills; and in case of extraordinary charge & trouble in the execution of their commission, that their bills charge on the Tresurer for the payment thereof be duly payd.

To all & euery the inhabitants of the county of Yorke.

For the more effectuall carrying on of our authority amongst yow, mainteyng of justice & peace, & remooving, if occation be, such instruments as vnder any ptences whatsoever doe or shall practise to oppose the same, it is therefore ordered & declared by this Court & the authority thereof, that Thomas Danforth, Willjam Hawthorne, & Eliazer Lusher, Esq<sup>rs</sup>, or any two of them, are comissionated & fully impowred, at the vsuall tyme & accustomed manner, to keepe a Court for the said county.

Courts declara-  
tion wh<sup>ch</sup> was  
sent out.

6 June.

Wee doe therefore, in the name of his majesty, will & require all persons belonging to this county aforesaid to returne peaceably to their former obedience, & all officers orderly established vnder this our authority of the Massachusetts, viz<sup>t</sup>, associates, comissioners, clarkes of writts, juro<sup>s</sup>, marshalls, & constables to attend the faithfull dischargd of their respectiue places, according to the vsuall course to them directed by warrant from Edward Rishworth, the present county recordr, & to yeild all due obedience to all & euery of our aforesaid comissioners; whereof yow are not to faile at yo<sup>r</sup> vtmost perrill. Dated 6: 4 m, 1663.

Secret<sup>t</sup> to deli<sup>u</sup>  
origen to y<sup>e</sup>  
comission<sup>rs</sup>.

This Court doeth order the secretary to deliuer vnto the gen<sup>l</sup> sent on

comission for Yorke the originall coppies of the articles subscribed by both parties, on their submission to this goſument, examination being first made that they are truly entred in the Court records.

1663.

6 June.

\*The General Court of the Massachusetts, in New England.

[\*420.]

By the authority of the kings most excellent maj<sup>ty</sup> derived to vs by pattent.

To Thomas Danforth, William Hawthorne, & Eliazer Lusher, Esq<sup>s</sup>: Yow, or any two of you, are hereby authorized & required to repaire to Yorke, the county toun of Yorkeshire, & there to keepe a County Court according as the lawe directs; & in case yow meete w<sup>th</sup> any person or persons, vnder the pretence of any other authority whatsoever, (except immediately from the kings most excellent maj<sup>ty</sup>,) that shall swerve from the due obedience they owe vnto this jurisdiction, to which they haue submitted & engaged themselves according to couenant, that yow call before yow all such persons, & bring them to a due tryall, & to proceede to sentence, as the merit of their offences shall require, according to the declared lawes of this jurisdiction. Further, yow are authorized & comissionated to establish & confirme all officers & comissioners, ciuil & millitary, according to lawe, as yow shall judge meete, for the settling & preserving of order & peace in the sajd county of Yorke; and for the better enabling of yow to effect the same, yow are hereby authorized, from the date of these presents, to act & doe all such things preparatory to the keeping of Court & settling peace in the sajd county as in your discretions yow shall judge most meete. And all officers, ciuil & millitary, w<sup>th</sup>in this jurisdiction, & all other inhabitants, are hereby required to be asistant vnto yow, as the matter shall require & yow doe order; and what yow doe in pursuance of this comission, yow are to render an accompt thereof to this Court at the session in October next. In testimony whereof this Court hath caused the seale of the colony to be affixed, & signed by the Gouverno<sup>r</sup> this day.

Comission ab<sup>t</sup>  
eastward af-  
fares.

In ans<sup>r</sup> to the petition of Joseph Humphreys, the Court judgeth it meete to graunt the petitioner three hundred acres of land where it may be found, provided it hinder not a plantation nor prejudice any former graunt.

Ans<sup>r</sup> to Joseph  
Humphreys  
petiō.

In ans<sup>r</sup> to the petition of Tobjas Daus & Daniel Brewer, executo<sup>r</sup>s to y<sup>e</sup> late Isack Morrells will, & in refferenc to his proportion of the fower thousand acres formerly graunted to Roxbury, &c, it is ordered, that the petiōners haue their lands layd out in any free place, not pjudicing former grants.

Isack Morrells  
proportion of  
land, being 234  
acres, out of the  
Roxbery 4000  
to be layd out.

In ans<sup>r</sup> to the petition of John Buttery, of Redding, the Court judgeth it meete, the sajd Buttery appearing very penitent for his offence, to remitt his

Jn<sup>e</sup> Butterys  
fine remitted.

1663. fine, & order, that if the county Tresurer haue received the same, or any  
 6 June. part thereof, that he returne it againe to the petiçoner.

The bounds & extents of M<sup>r</sup> Cobbetts farme: Being bounded as followeth, vpon the south lñe from a swampe that joynes vpon Hauerill bounds, so rainging vpon a west & by north point, vntill yow come to a great rocke vpon the north side of a long pond, called Deane Pond. Vpon the sajd south lñe it rangeth twenty score rod, and from the great rocke it rangeth, vpon a north & by west point, sixteene score rod. That west lñe is bounded by a swampe; and from a tree marked in the sajd swampe it rangeth eight score rod to the ^ corner of a peece of meadow, of about eight acres, that is w<sup>th</sup>in the bounds, vpon an east & by south point; & from a great white oake tree, w<sup>th</sup> a great rocke neere the sajd tree, by the sajd peece of meadow, it rangeth sixteene score rod vpon a south east and halfe point easterly, vntill yow come to the abouesajd swampe, adjoyning vpon Hauerill bounds. This is a true accompt & description of the bonds & extents of the farme abouesajd accompted, to our best judgments, as attests our hands, who lajd it out, October, 1662.

JOSEPH DAUIS,  
 JEREMIAH BELCHAR,  
 SIMON TUTTEL.

The Court judgeth it meet to allow of this returne of M<sup>r</sup> Cobbetts farme layd out, being five hundred acres.

[\*421.] \*Whereas M<sup>rs</sup> Margaret Sheaffe, widow & administratrix vnto Jacob Sheaffe, stands chardged by the Treasurer of the country the soñe of seven pounds, being so much in hir late husbands hand as he was constable, w<sup>ch</sup> goods, she alleadgeth, perished by fire in that great losse by hir husband sustejned, itt is therefore ordered by this Court, that the sajd M<sup>rs</sup> Sheaffe be released from the sajd debt.

Courts ans<sup>r</sup> to  
 W<sup>m</sup> Arnolds  
 letter.

In ans<sup>r</sup> to the letter of W<sup>m</sup> Arnold, wherein he chargeth the Court debto<sup>r</sup> to him to the value of twenty fower pounds six shillings & eight penc, that the sajd Arnold is hereby ordered to bring in, or cawse to be brought in, his accompt, & such testimonjes as he hath to proove the same, & what shall appeare to be justly due, this Court will take care to see it fully satisfied, and that Deacon Parks be desired to signify to the sajd Arnold the Courts ans<sup>r</sup> herein.

2 barrells of  
 pouder allowed  
 Cap<sup>t</sup> Oliuer  
 for salutes, &c.

In ans<sup>r</sup> to the motion of Cap<sup>t</sup> James Oliuer for a due & meete allowance

of powder for saluting of ships, & other expenc in that kind at the election of the generall officers, it is ordered, that henceforth there be two barrells of powder allowed him for that service.

1663.

6 June.

In ans<sup>r</sup> to the petition of Anne Legar, relict of Jacob Legar, it is ordered, that she shall haue liberty to sell out of the estate of hir late husband to pay the debts, & that then there be a diuission of the rest of the estate into thirds, of w<sup>ch</sup> the widdow to haue one third part as hir oune for euer, this to be donne by the advice & asistance of the ouerseers, & the other two thirds to be improoved by the sajd ourseers for the releife of the children.

Ans<sup>r</sup> to Ann  
Legars pet.

In ans<sup>r</sup> to the petition of Abraham Perkins, the Court judgeth it meete to graunt the petitioners request, i. e., so farr as to revejw his case in the same Court, in case the magistrates of that county are willing thereto, as in his petition is alleadged.

Ans<sup>r</sup> to Ab<sup>r</sup>  
Perkins peti-  
con.

In ans<sup>r</sup> to the petition of John Cheekely, the Court, on reading his petition, judge meete to referr the petitioner for remedy against the officer for his defect as the lawe directeth in case that he be defectiue.

Ans<sup>r</sup> to Jn<sup>s</sup>  
Cheekleys  
petiçon.

In ans<sup>r</sup> to the petition of John Perley, the Court judgeth it meete to leaue the case to the determination of the judgm<sup>t</sup> of the next County Court in Essex, the sajd Perly returning to the prison from whence he brake, surrendring himself to the keeper thereof w<sup>th</sup>in tenn dayes of this date, & there abide till sajd Court, & then appeare before the Court to prosecute his petition.

Ans<sup>r</sup> to John  
Perlys petiçon.

Layd out to the toune of Billirrikey one parcell of land conteyning eight hundred acres, more or lesse, lying in the wilderness on the northside of Merremacke Riuer, begining at the south east angle of M<sup>r</sup> Dummers farme, & being bounded vpon him twenty two pole; also bounded by M<sup>r</sup> Webbs farme (which joynes to him there) thirty fiue pole (vpon his north east corner) westward, & sixty fower pole southward; from thenc it runns in a long spruise swampe, about halfe a point northward of the east, fower hundred & eight pole; then runing in a streight lne from thence to Long Pond; being bounded partly by that pond, and partly by M<sup>r</sup> Batters farme at this end of the pond, which line, in all, is fiue hundred & fower pole; from thence it runnes almost due west to another pond, called by the Indians Mascuppet, vnto a great rocke, called by the English Tray Table Rocke; on the north west it is bounded by Mascuppet Pond and another little pond, vntill yow come to M<sup>r</sup> Dumers line, where wee beganne; all w<sup>ch</sup> is more fully demonstrated by a plott taken of the same. This eight hundred acres is part of the fower

800 acres of  
land lajd out to  
Billirrikey.

1663. thousand w<sup>ch</sup> was lately graunted to the toune of Billirrikey, & there remajnes  
 five hundred only yet to lay out of the whole graunt.

6 June.

By JONATHAN DANFORTH, Surveyor,  
 EDWARD JOHNSON,  
 THO: ADDAMS.

- The Court allowes of this returne.

Ans<sup>r</sup> to Cap<sup>t</sup>  
 Nortons peti-  
 tion.

In ans<sup>r</sup> to the petition of Cap<sup>t</sup> Francis Norton & Cornet Nich<sup>o</sup> Dauison, it is ordered, that the whole Court, meeting together on the fifth day next, at eight of the clock in the morning, haue the examination of the case conteyned in the peti<sup>o</sup>n, the parties concerned hauing due notice thereof, & security giuen to y<sup>e</sup> secretary to sattisfy the charge of the Court.

Gleasons costs.

Cap<sup>t</sup> Norton not appearing to prosecute his acc<sup>o</sup>n, Th<sup>o</sup> Gleason had his costs graunted him.


[\*422.]

Ans<sup>r</sup> to Ab<sup>r</sup>  
 Hagbornes  
 peti<sup>o</sup>n.

\*In ans<sup>r</sup> to the petition of Abraham Hagborne, the Court judgeth it meete to grant his request, viz<sup>t</sup>, liberty to continew here, notw<sup>th</sup>standing the lawe of relations & censure of the County Court therevpon.

John & Tho.  
 Bakers fines  
 remitted to  
 five pounds,  
 &c, 10<sup>s</sup>.

In ans<sup>r</sup> to the petition of John Baker, Se<sup>n</sup>, relating to his sonnes, John & Thomas Baker, the Court judgeth it meete to abate the peti<sup>o</sup>ners sonnes fines to five pounds, payable to the Tresurer of that county, the petitioner paying tenn shillings for this petition, & then they are dischargd.

Lef<sup>t</sup> Goodenow  
 to marry in  
 Sudbury, &c.  


It is ordered, that Lef<sup>t</sup> Edmond Goodenow shall & hereby is appointed & authorized to marry the sonne & daughter of Willjam Hunt & John <sup>^</sup>, of Sudbury, as also to marry all others in Sudbury that shall be legally published, as y<sup>e</sup> late Mr Rice did by order of this Court.

Ans<sup>r</sup> to John  
 Martyns peti-  
 tion.

In ans<sup>r</sup> to the petition of John Martyn, of Chelmsford, the Court judgeth it meete to order & grant the peti<sup>o</sup>ner to haue liberty to come in w<sup>th</sup> such persons as shall moove, & be allowed to setle a touneship at Pennycooke, or elsewhere.

Mr Bradstreete  
 to keepe Coun-  
 ty Courts in  
 Norfolke for y<sup>e</sup>  
 year.

Vpon a motion made in behalfe of the inhabitants of the county of Norfolke, Mr Bradstreet is hereby intreated & appointed to keepe Courts this yeare ensuing in that county.

Major Gen<sup>l</sup>  
 Leuerets  
 co<sup>m</sup>ission, &c.

The Court, hauing perused the co<sup>m</sup>ission of the major generall, & finding it to be a true copie of that co<sup>m</sup>ission lately passed by this Court to the late Major<sup>r</sup> Generall Atherton, haue voted it to be the co<sup>m</sup>ission for Major<sup>r</sup> Generall John Leueret, to be signed by the Gouverno<sup>r</sup> & secretary, as is vsuall in like cases, & that the major generall take his oath accordingly; w<sup>ch</sup> was donne in open Court.

Wee, whose names are vnder written, being chosen and appointed at the last session of the Generall Court, October, 62, to be a comitte to vejw & determine betweene the toune of Cambridge, & the inhabitants on the southside of the riuer, about the fower miles lines, declare that, on the 1<sup>st</sup> of the 3<sup>rd</sup> m, 63, wee did meete, & vpon due consideration, did conclude the measure to beginne at the meeting house in Cambridge, & so to the old ferry place, & from thence to the landing place on the other side of the riuer, & from thence to the house that was M<sup>r</sup> Pelhams farme house, & from thence to the corner of the fence, about thirty rods from the sajd house, & so to continue the path that now is vnto the end of the fower miles.

1663.

12 June.  
Order abt y<sup>e</sup>  
measur of the  
4 miles from  
Cambridge  
meeting house,  
&c.

This, for substanc, is according to the order wee subscribed, though not in the same words. 12: 4 m, 1663.

p nos.

W<sup>M</sup> HAUTHORNE.

The Court accepts of this returne.

In ans<sup>r</sup> to the petition of Mary Pond, the relict of y<sup>e</sup> late Robert Pond, of Milton, deceased, the Court, on perversall of the intended will of Robert Pond, late husband to y<sup>e</sup> petiçoner, & the admiñstration graunted vnto hir, together w<sup>th</sup> the inventory of the sajd Ponds estate, judge it meete to graunt hir petiçon for sale of the house & land, in order to the dischargd of the debts mentioned, & support of himself & children, provided the petitioner giue security to John Bull & Willjam Pond, ouerseers nominated by the sajd Robert Pond, or either of them, for two third parts of the value of the estate w<sup>ch</sup> shall be remayning at such time as shee shall againe enter marriage, for the vse of the children, as is intimated in the sajd will.

Ans<sup>r</sup> to Mary  
Ponds petiçon

\*In ans<sup>r</sup> to the petiçons of Major Generall Jn<sup>o</sup> Leueret & the inhabitants of Hull, for & concerning certaine islands called Breusters Islands, their petiçons being read, the Court ordered & appointed a hearing of the case in differenc betweene them. The whole Court met together at the tyme appointed, i. e., 11 June, 63, hauing heard the case & considered the evidences produced on both sides, did judge that the islands now in quæstion, called & knoune by the name of Brewsters Islands, doe of right belong unto the inhabitants of Hull.

[\*421.]

Courts judgm<sup>t</sup>  
abt Brewsters  
Islands for  
Hull, &c.

Att the instant request of M<sup>r</sup> Richard Parker, M<sup>r</sup> Jn<sup>o</sup> Payne, & Arthur Mason, & in ans<sup>r</sup> to their petiçon, being suretjes for Jonathan Parker, sentenced at the last Court of Asistants for a wicked attempt into the house of M<sup>rs</sup> Richards, and into the bed chamber, in the dead of the night, as may fully appeare in the records of that Court, this Court doe graunt to Jonathan

Jn<sup>o</sup>than Par-  
kers fine re-  
mitted to 40<sup>u</sup>.

1663.

12 June.

Parker, & to his sureties, the extinguishing of his & their bond for his appearance & yielding himself to the officer of the country, and do also null the sentence of the said Court, provided alwayes the said suerties shall forthwith pay to the Treasurer of the country forty pounds, tenn pounds whereof shall be paid in money, & the other into the hands of Cap<sup>t</sup> Oliuer, to his content.

20 acres meadow graunted to M<sup>r</sup> Rich. Parker.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Richard Parker, the Court judgeth it meete to graunt his request, viz<sup>t</sup>, all such meadow as can be found w<sup>th</sup>in sixe miles of his farmes layd out towards Meadfeild, not exceeding twenty acres.

Hadley comissioners.

This Court doeth allow of M<sup>r</sup> Henry Clarke, M<sup>r</sup> Samuel Smith, & M<sup>r</sup> Andrew Bacon, comissioners for the toun of Hadley till the last Tuesday in September next, ag<sup>t</sup> which time the toun of Hadely, & other townes, may proceede to choose comissioners to end smale causes there onely, as the townes in the Bay; & the comission graunted by the Generall Court, 22<sup>th</sup> May, 1661, to Hadley comissioners, in the second & third parte thereof, is & shall be voyd, vtterly cease, & of none effect, from the last Twesday in September next.

Cap<sup>t</sup> J<sup>n</sup> Pinchon, cap<sup>t</sup> of troope of horse, & to haue a comission, &c.

The Court judgeth it meet, notw<sup>th</sup>standing the election & allowanc of Cap<sup>t</sup> John Pinchon to be cap<sup>t</sup> of a troope of horse in Hampshire by y<sup>e</sup> County Court there, w<sup>ch</sup> this Court approoves of, that he, the said Cap<sup>t</sup> John Pinchon, asist in the excercising of the foote company at Springfield, as formerly, till the next Court of Election, so that the company may haue some time to provide for their best supply, any lawe to the contrary notw<sup>th</sup>standing.

Courts graunt of 500 ac<sup>rs</sup> of land to Maj<sup>r</sup> Gen<sup>l</sup> Leflett.

Whereas, on a tryall had in this Court betweene Major Generall John Leueret & the toun of Hull, concerning their respectiue titles in & to clajmes made to Brewster Island, & other islands adjacent, the determination is passed for the toun of Hull, this Court doe, in leiw thereof, grant vnto the said Major Gen<sup>l</sup> Leueret fiue hundred acres of land, to be layd out in a free place not prejudicing former grants.

Ans<sup>r</sup> to Cap<sup>t</sup> Hutchinsons peti<sup>ti</sup>on, &c.

In ans<sup>r</sup> to the petition of Cap<sup>t</sup> Edward Hutchinson, cap<sup>t</sup> of the three county troope, the Court judgeth it meete to declare, — 1. That the troopers of the Three County Troope residing in Ljune are not taken of from that troope whereof they were.

2<sup>d</sup>. That the troope, not troopers of Essex, be diuided, &c.

3. That the said troope be diuided vnder their present officers.

4. That the said officers comānd their respective diuisions.

5. That the troopers of Essex troope, & so of Lyn, be vnder the comānd of the respectiue officers.

6<sup>d</sup>. That Cap<sup>t</sup> Hutchinsons comission doeth bind him to comānd the troopers residing in Lynne, that are listed w<sup>th</sup> him as formerly.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of M<sup>r</sup> John Elliot, in behalf of the Praying

Indians of Ogguunikingguamesit, the Court judgeth it meete to impower Cap<sup>t</sup> Gookin, M<sup>r</sup> Danforth, & M<sup>r</sup> Edw<sup>d</sup> Jackson, or any two of them, to act in the disposing of the Indjans lands at Marlborough as they shall see meete; & in case the Indians doe quit the place, that then they may haue a plantation layd out of three miles square, in the place mentioned in y<sup>e</sup> peti<sup>ti</sup>ōn, in case it be free of former grants.

1663.

12 June.

\*In ans<sup>r</sup> to the petition of the inhabitants of Marlborough, the Court judgeth it meete to order & impower Majo<sup>r</sup> Lusher, M<sup>r</sup> Edward Collings, & Cap<sup>t</sup> Edward Johnson, a co<sup>m</sup>ittee to repaire to Marlborough, & there to inquire into the state of things mentioned in the petition, & make report what they shall judge necessary to be donne for settling the difference amongst them to the next sessions in October, Majo<sup>r</sup> Lusher to appointe the time and place of meeting.

[\*424.]

Ans<sup>r</sup> to Marlborough peti<sup>ti</sup>ōn.

In ans<sup>r</sup> to the petition of John Harrison, of Boston, the Court, considering of the seuerall acts of the selectmen of Boston respecting the said Harrison & John Heyman, together w<sup>th</sup> the testimony of sundry gentlemen of Boston respecting the said Harrison, judge meete to declare, that for due encouragement of the said Harrison, & the more certaine supply of the toune and country as formerly, that it is left unto the selectmen of Boston to state the same w<sup>th</sup> respect to the petitioner.

Ans<sup>r</sup> to Jo. Harrisons peti<sup>ti</sup>ōn.

In ans<sup>r</sup> to the petition of Cap<sup>t</sup> Thō Clarke, Cap<sup>t</sup> W<sup>m</sup> DAVIS, & M<sup>r</sup> Antipas Boys, humbly desiring that this Court would appoint some fitt man or men for selling of the late Val Hills estate, to w<sup>ch</sup> they are administrators, & the like for the hearing & determining all debts & demands that may be found due to the estate, or els that they may sue in forma pauperis, that so the creditors may haue their parts, & themselves freed of so troublesome a buisnes, it is ordered, & this Court doeth appoint Cap<sup>t</sup> Richard Walderne, Cap<sup>t</sup> Bryan Pendleton, & Peter Coffyn, or any two of them, shall & is hereby impowred for the service aboue mentioned.

Ans<sup>r</sup> to administrators to Val. Hills estate peti<sup>ti</sup>ōn.

In ans<sup>r</sup> to the petition of John Niles, of Braintry, weauer, & Hannah, his wife, formerly the wife of Willjam Ames, deceased, humbly desiring this honored Courts favor to confirme their sale of the said Ames, his howse & five acres of land, to one Getline, for the reasons mentioned in their peti<sup>ti</sup>ōn, the Court, on examination of the matter of this petition & testimonjes of Amos Richardson & Mary Harvey, judg meet to graunt the petitioner his request, i. e., & doe confirme the sale of the howse & land therein specified.

Ans<sup>r</sup> to Jn<sup>s</sup> & Hannah Niles peti<sup>ti</sup>ōn.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Thomas Kellond, attorney to S<sup>r</sup> Richard Ford, knight, Thomas Tyte, Robert Richbell, & Company, merchants, humbly desiring this Courts favour to graunt him a speciall Court for the trjall of a

Ans<sup>r</sup> to Tho. Kellonds peti<sup>ti</sup>ōn.

1663.

12 June.

Ans<sup>r</sup> to Martha  
Beamslys peti-  
cion.

case or cases concerning his employers, sometime the next weeke, the Court judgeth it meete to graunt his petition, & leaue it to the honored Go<sup>u</sup>n<sup>r</sup> or Dep<sup>t</sup> to appoint the time.

In ans<sup>r</sup> to the petition of Martha Beamesly, of Boston, widdow, humbly desiring the favor of this Court to grant hir license to distill & retajle strong waters, &c, the Court judgeth it meete to graunt hir request, she giving security to the secretary for the keeping due order, w<sup>th</sup>out offenc or prejudice to the lawe & order of the County Court.

Ans<sup>r</sup> to Sam.  
Basse his peti-  
cion.

In ans<sup>r</sup> to the petition of Samuell Basse, the Court, on examination of the contents of this petition, & pervsall of some instruments & actings of the magistrates, & otherwise relating therevnto, doe order, that the partjes concerned be referred vnto & required to bring the case to the next County Court there, to be issued according to lawe & former order made respecting the same.

Ans<sup>r</sup> to Chr.  
Blakes peti<sup>ti</sup>ō.

In ans<sup>r</sup> to the petition of Christopher Blake, of Boston, taylor, it is ordered, that the prosecution of the lawe against him by order of the County Court, for living from his wife, be respitted for one whole yeare ensuing, vnlesse any thing extraordinary shall present.

Ans<sup>r</sup> to Jos.  
Emersons  
peti<sup>ti</sup>ō.

In ans<sup>r</sup> to the petition of Joseph Emerson, the Court, having read the petition, doe order & impower Majo<sup>r</sup> Hawthorne & Majo<sup>r</sup> Lusher to examine the grounds thereof, & to act therein by themselves, or by the help of such as they shall thinke meete to associate to themselves; & all persons concerned are enjoyned, on notice giuen by the sajd gent<sup>n</sup>, to attend such meanes as they shall direct, for the issue of the difference therein named.

[\*425.]

Courts judgm<sup>t</sup>  
in Dedham  
case, & re-  
turne of y<sup>e</sup>  
co<sup>m</sup>ittee on  
file.

\*For a finall issue of the case betweene Dedham & Naticke, the Court judgeth it meete to graunt Dedham eight thousand acres of land in any convenient place or places, not exceeding two, where it can be found free from former graunts, provided Dedham accept of this offer. Y<sup>e</sup> returne of y<sup>e</sup> co<sup>m</sup>ittee remajne on file. May, 1663.

Courts judgm<sup>t</sup>  
in Cap<sup>t</sup> Clarks  
case ag<sup>t</sup> Cap<sup>t</sup>  
W<sup>m</sup> Davis.

In ans<sup>r</sup> to the petition of Cap<sup>t</sup> Thomas Clarke, the Court judgeth it meete to graunt him a rehearing of his case, tryed at the last Court of Asistants, on appeale betweene him & Cap<sup>t</sup> W<sup>m</sup> Davis, one of the execcutors of the last will & testament of the late W<sup>m</sup> Paddy. The partjes appeared before the Court. The Court, on a hearing of the case, & on pervsall of the euidence therein, being mett together, declared they found for the defend<sup>t</sup>, Cap<sup>t</sup> W<sup>m</sup> Davis, costs of Court.

800 acres of  
land, graunted  
to M<sup>rs</sup> Flynt &  
hir sonne, layd  
out.

The land graunted to M<sup>rs</sup> Fljnt, of Concord, & hir sonne John Fljnt, is layed out in two parcells, northerly from Groaten, in quantity eight hundred

acres ; the one parcell adjoyning to the riuer runing from Groaten, and begining by the riuer at A, and so to B, norwest & by west, two hundred rodds ; ffrom B to C, northeast & by north, three hundred & twenty rods ; from C to D, south east & by east, two hundred rodds ; from D to A, three hundred twenty eight ; the other parcell, about one hundred rods distant, beginning at the angle marked with the figure 1, and so to 2, northwest & by west, fifty rods ; from 2 to 3, north, bearing a litle to the west, two hundred & fower rodds ; from 3 to 4, north east & by north, one hundred seventy six rods ; from 4 to 5, north & by east, one hundred thirty two rods ; from 5 to 6, east & by south, twenty seuen rods ; from 6 to 7, south & by east, three hundred twenty six rods ; from 7 to 1, southwest, three hundred & eight rods ; the ljnes marked N S, the meridian ljnes, layd out by John Flynt, in the presence of Left Joseph Wheeler, of Concord, and Sarjant James Parker & James Fiske, of Chelmsford, being desired by Leftennant Goodenow & Ensigne Noyse, of Sudbury, in their roome & steed.

1663.

12 June.

JOHN FLINT.

The Court approoves of this returne.

April, 1662.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Joseph Hills, referring to the iron works & the obstruccōns in his proceedings, in behalfe of the company, at Ipswich Court, both partjes having had full liberty to present theire pleas respectiue, this Court doe judge, that the proceedings of Ipswich Court were regular, & that there was just ground for the deferring of proceeding to tryall of the cause at that time.

Ans<sup>r</sup> to M<sup>r</sup>  
Hills petiōon.

The Court, considering of the offence of John Glouer chimney sweepers, in affronting the centinells on the guard on election day, endangering a mutiny, ordered, that the sajd John Glouer be forthwith publicly whipt w<sup>th</sup> twenty stripes.

Court censure  
of John Glouer.  
Chimney  
sweeper.

In ans<sup>r</sup> to the petition of Alice Thomas, relict of Evan Thomas, humbly craving this Courts aprobaton of a sale made to hir by deed from y<sup>e</sup> administrato<sup>rs</sup> of y<sup>e</sup> late Evan Thomas estate, of the Kings Armes, &c, the Court declares, that the acknouledgment of the deede mentioned in hir petition, made by the partjes thereto, before any magistrate or County Court, and recorded as the lawe directeth, is as much as is requisite.

Ans<sup>r</sup> to Alice  
Thomas hir  
petition.

The Court, hauing pervsed the comission of the Major Generall Ather-ton, y<sup>t</sup> lately was, as it passed then, this Court doe order it to be the comission for Major Generall Leueret, to be signed by the Go<sup>o</sup>no<sup>r</sup> & secretary, as is vsuall in like case, & that he take his oath accordingly.

Maj<sup>r</sup> Gen<sup>l</sup>  
Leuerets  
comission to be  
y<sup>e</sup> same w<sup>th</sup> y<sup>t</sup>  
of Maj<sup>r</sup> Gen.  
Ather-ton.

The Court was adjourned to the twentieth day of October next, at eight of the clocke in the morning.

1663. *\*Att the second Sessions of the Generall Court, held at Boston,  
20<sup>th</sup> of October, 1663.*

20 October.

[\*426.]

PRESENT, Ri Bellingham, Dep <sup>t</sup> Gov <sup>r</sup> ,	}	Esq <sup>rs</sup> .
Symon Broadstreet,		
Samuel Symonds,		
Francis Willowby,		
Daniel Gookin,		
Maj <sup>r</sup> Gen <sup>l</sup> Daniel Dennison,		
Symon Willard,		
Rich Russell,		
Th <sup>o</sup> Danforth,		
W <sup>m</sup> Hathorne,		
Eliaz <sup>r</sup> Lusher,		

FOR the better regulating of elections vpon the day of elec<sup>ti</sup>on, & avoyding the inconvenjencjes which may attend the same, itt is ordered by this Court, that henceforth the Generall Court, both Magistrates and Deputjes, shall meete together in the Court chamber at seuen of the clocke that morning, & become a Court, & beginn & consider of such things as are necessary in refference to the worke of the day.

2. That for tyme to come all votes of the freemen in each toune w<sup>th</sup>in this jur<sup>i</sup>sdiction be sent in proxies, sealed vp, as the lawe requireth, & that none be admitted to giue votes personally at the day of elec<sup>ti</sup>on, except the members of the Generall Court.

Order for regu-  
la<sup>ti</sup>on of elec-  
tions.

3. That the constable of each toune shall, some convenjent tyme before the day of election, giue due notice to all the freemen of that toune to meete together to giue their votes for elections, and that none shall be admitted to giue votes for any other, vnlesse the person voteing be also present, or send his vote, sealed vp, in a note directed to the deputy or tounesmen mett together for that worke.

4. That the constable shall cause a list of the number of names of such as giue theire votes, fairely written & sealed w<sup>th</sup> the votes.

5. That no person be made free vpon the day of election; and a copie hereof to be published im<sup>me</sup>diately after the breaking vp of this Court.

21 October,  
1663.

At this Court the Gouverno<sup>r</sup> presented a letter from his maj<sup>ty</sup>s most honorable privy council, dated 24<sup>th</sup> June, 1663, & directed to him, w<sup>ch</sup> was read.

This Court having pervsed & considered the letter received from his maj<sup>ty</sup>s most honorable privy council, dated the 24<sup>th</sup> June last, relating to an

act of Parljamēt entituled An Act for the encouraging & increasing of Shipping & Nauigation, as an addition & explanation of former orders made by this Court concerning these affaires, —

1663.

21 October.

Itt is hereby ordered & enacted, that the seuerall officers hereafter mentioned are hereby deputed & authorized to see that the sajd act be performed, so farr as it concernes the gouernment of this plantation, both in seazing shippes or vessells inhibited by the sajd act to trade heere, taking bond of all ships and vessells that lades in our ports any comodities, expressed in the sajd act, of the groweth, product, or manufactory of the English plantations, who shall not produce certifficate that they haue given bond already as the sajd act requireth; and in case of neglects or contempt, to seaze such vessells or shippes that lade the aforesajd goods w<sup>th</sup>out giving bond or shewing certifficates, and to keepe accounts of all such shippes & vessells, w<sup>th</sup> the names of the masters, that lades here as aforesajd, and returne an account twice euery yeare, w<sup>th</sup> coppies of the sajd bonds & certifficates, vnto the Gouverno<sup>r</sup> for the time being, by him to be transmitted to London, directed to the cheiffe officer there.

Order requiring bonds of shipmasters, &c.

The officers appointed are as followeth: —

For the ports of Boston & Charles Toune, M<sup>r</sup> Edward Rawson; ffor Salem, Marblehead, & Glocester, M<sup>r</sup> Hilliard Veren; ffor the Riuer of Piscataq & Ile of Shoales, & ports adjacent, Cap<sup>t</sup> Brian Pendleton. The fees they are authorized to take of euery shippmaster are, for taking bond & transcribing the copie, five shillings; for receiuing & entring a certifficat, two shillings sixe penc; for giuing certifficat & recording it, two shillings sixe penc; theire part of seizures as the sajd act directeth; and that all imployed in this trust doe, from time to time, make returne of all bonds & certifficates by them passed to M<sup>r</sup> Rawson, who, by the Gouverno<sup>r</sup>s advise, shall make \*returne thereof for England as the act of Parliament requireth; & that M<sup>r</sup> Rawson doe, from time to time, present the councill of this comonweale, or, in default thereof, the Court of Asistants, w<sup>th</sup> true account of all bonds & certifficates, & coppies of all letters, that he shall send for England in any wise referring to this matter.

[\*427.]

Moreouer, it is ordered, that the secretary take speciall care forthwith to send, by the first oppertunity, fower coppies of the counsells, and one of the copies of the act of Parliament relating therevnto, to the generall gouernm<sup>ts</sup> of New England, viz., Plimouth, Conecticot, New Hauen, & Road Island.

Itt is ordered by this Court & the authority thereof, that no person who is a vsuall & comon attorney in any inferiour Court shall be admitted to sitt as a deputy in this Court.

Comon attur-  
neys no depu-  
tys.

Whereas it is found by experience that there are many who are inhabit-

1663.

21 October.  
Persons ex-  
empt from  
voting in elec-  
tions.

ants of this jurisdiction w<sup>ch</sup> are enmenyes to all gouernment, ciuil & eclesi-  
asticall, who will not yeild obedience to authority, but make it much of theire  
religion to be in opposition thereto, & refuse to beare armes vnder others,  
who, notwithstanding, combine together in some townes & make partjes suite-  
able to theire designes in election of such persons according to theire ends,  
it is therefore ordered by this Courte & the authority thereof, that all persons,  
Quakers or others, w<sup>ch</sup> refuse to attend vpon the publick worship of God  
established here, that all such persons, whither freemen or others, acting as  
aforesajd, shall & hereby are made vncapable of voting in all ciuil assemblyes  
during theire obstinate persisting in such wicked wajes & courses, & vntill  
certifficate be giuen of theire reformation; and it is further ordered, that all  
those fines & mulcts of any such delinquents as aforesajd w<sup>ch</sup> are not gathered  
nor payd to the seuerall Treasurers of the countrjes, as also what fines shall  
be layd on them for the future, shall be deliuered, by the order of the county  
Treasurers, respectively to the selectmen of the seuerall townes wherevnto they  
belong, to be by them improoved for the poore of the toune.

Price of corne.

Itt is ordered by this Court, that all sorts of corne shall be payd in the  
country rate the yeare ensuing, at these prizes, following, viz<sup>t</sup>, wheate at five  
shillings & sixpence, barley & barley mault at five shillings, pease & rye at  
fower shillings, & Indian corne at three shillings p bushell, & what else shall  
be payd in y<sup>e</sup> country rate to be payd at money price, & that no leane catle be  
payd by any toune or person in the sajd rate.

Addition to y<sup>e</sup>  
rate.

The Court, being informed that the country is indebted five hundred  
pounds more then a single rate will dischargd, doe order, that there be an ad-  
dition of one quarter of a rate.

M<sup>r</sup> Danforth to  
offic<sup>st</sup> for y<sup>e</sup>  
secret.

M<sup>r</sup> Thomas Danforth is desired & appointed to officiate in the Generall  
Court in the secretarys place, whilst he attends the County Court.

Comittee to  
take y<sup>e</sup> Treas-  
urers account.

It is ordered by this Court, that Cap<sup>t</sup> Clarke, M<sup>r</sup> Edw Collings, & M<sup>r</sup>  
Henry Bartholmew shall & heereby are intreated & impowred to take the  
Treasurers accou<sup>ts</sup>, & make returne thereof to the next Court of Election.

Comittee of  
militia<sup>s</sup> power  
to draw a  
comission for  
y<sup>e</sup> cap<sup>t</sup> Castle.

The comittee of militia of Boston are desired & hereby impowred to  
drawe vp a comission for the cap<sup>t</sup> of the Castle, & to deliuer the same to Cap<sup>t</sup>  
Dauenport, which shall be in force till the Court of Election, and that the  
Treasurer provide a boate for the vse of the Castle, according to the direction  
of the sajd comittee.

Comittee ab<sup>t</sup>  
Plimouth l<sup>j</sup>ne,  
Major Lusher,  
Cap<sup>t</sup> Roger  
Clap, & Le<sup>t</sup>  
Joshua Fisher.

The perfecting of the l<sup>j</sup>ne betweene Plimouth & this colony, from Accord  
Pond westward, having been hitherto obstructed, all former provision notw<sup>th</sup>-  
standing, the neglect whereof is greivous to our neighbors & hurtfull to our-  
selves in sundry respects, this Court doe therefore order, that Major Lusher,

Capt Clap, & Lef<sup>t</sup> Fisher be a com<sup>i</sup>tee fully impowred to act therein, & conclude the right thereof, according to the grant of the charter of this collony, who are to signify the same to y<sup>e</sup> Gov<sup>r</sup> of Plimouth, that so a com<sup>i</sup>tee being in like manner impowred by themselves to act therein on their behalfe, there maybe a finall issue put to the controuersy, & what shall be herein acted by them they are to make returne to the next Gen<sup>l</sup> Court.

1663.

21 October.

\*In ans<sup>r</sup> to the petition of W<sup>m</sup> Salter, keeper of the countrys prison in Boston, the Court, on p<sup>e</sup>rvsall thereof, doe finde that Mounsieur Alexander Laborne & W<sup>m</sup> Laremitt, Frenchmen, were com<sup>i</sup>tted as Sir Thomas Temples prisoners, &, by lawe made May, 1662, he, the saj<sup>d</sup> S<sup>r</sup> Thomas, is to mainteyne them (if they haue not estate of their oune) so long as they remajne his prisoners; & if they, or either of them, haue binn prisoners on any other mans accounts, they are to be mainteyned by him or them whose prisoners they were or are.

[\*428.]

Ans<sup>r</sup> to W<sup>m</sup>  
Salters peti-  
co.

In ans<sup>r</sup> to some quæstions propounded by the keeper of Boston prison for his direction in the execution of his office, this Court doe declare, that it is the duty of all prison keepers from time to tyme to present a true list of all the prisoners to such Courts of judicature as are properly to take cognisance of their crimes, & not to discharge any their custody but by y<sup>e</sup> authority of the lawe warranting the same; and that the Court, or other authority taking cognisance thereof, shall determine the costs to be allowed the keeper for maintenanc of the prisoner, as also by whom he shall be satisfied; and that where any are com<sup>i</sup>tted in any ciuil cause, the plaintiff at whose suite he is imprisoned shall secure the keeper all his necessary expences during his imprisonment, both for ffood, & phisicke, & other necessaries for his liuelihood; & in case of his neglect so to doe, the party imprisoned taking his oath before any magistrate that he is not worth five pounds, the keeper shall not stand further chardged w<sup>th</sup> him, but may dismissee such prisoner his custody, any former lawe, vsage, or custome to the contrary notwithstanding. And it is declared by this Court, that the ordinary allowance to be made for the ffood of any prisoner shall be two shillings sixpence p weeke.

Directions for  
prison keepers.

In the case now depending betweene W<sup>m</sup> Salter & John Woodmansy, in refferenc to moneys due to the saj<sup>d</sup> Salter for diet for two Frenchmen, coming to this Court by reason of disagreement of bench & jury in the Court of Asistants, the Court, on hearing of the case & all pleas therein, doe finde for the saj<sup>d</sup> Salter seventeene shillings & sixpence, for twenty four days diet, & costs of Court twenty two shillings & 10<sup>d</sup>. Granted May, 64. Vide p. 430.

Courts judgm<sup>t</sup>  
in Salters case.

This Court being informed that, on the request of S<sup>r</sup> Thomas Temple,

1663.

21 October.  
Labornes dis-  
charge.

his maj<sup>ty</sup>s leifteñt in Noua Scotia, Mounsieur Laborne & his servant in March last was comitted to the custody of the keeper of our prison, there to remajne vntill the next Generall Court of Election, to respond the further order of the sajd S<sup>r</sup> Thomas, at w<sup>ch</sup> time the Generall Court not having cognisance thereof, & the sajd Laborne being arrested by sundry persons on private accompts, he hath still remayned a prisoner, this Court doe therefore order, that the sajd Laborne shall, at the end of the present sessions of this Court, be released from his comittm<sup>t</sup>, by virtue of the counccills act, vntill the s<sup>d</sup> S<sup>r</sup> Thomas shall give further account to the Court why he should in his maj<sup>ty</sup>s right be still deteyned. Dated 27<sup>th</sup> of May, 1663.

Mr Higginsons  
farme lajd out.

The bounds & extents of M<sup>r</sup> Higginsons farme being seven hundred acres, it ljeth north & by west from M<sup>r</sup> Cobbetts farme, & is about halfe a mile from M<sup>r</sup> Cobbetts farme, & *is about halfe a mile from M<sup>r</sup> Cobbetts*, & rangeth vpon a brooke for the south bounds sixteene score rods, and is bounded vpon the west ljne from the head of a pond that lyeth at the head of the abouesajd brooke to the north side of a long hill, & y<sup>t</sup> ljne is three hundred & fifty rod, & from thence to the aboue mentioned brooke, three hundred & fifty rods. This farme was lajd out by vs, whose names are herevnto written.

JERR: BELCHAR,  
JOSEPH DAUIS.

Wee doe approvee of this returne of laying out M<sup>r</sup> John Higginsons farme.

W<sup>m</sup> HATHORN,  
EDMÖD BATTER.

The Court allowes & accepts of this returne.

Ans<sup>r</sup> to Tho.  
Joys petiçō.

In ans<sup>r</sup> to the petiçōn of Thō Joy for the remitment of his fine, the Court judged it meete to abate the petiçōner thirty pounds of his fine, & order the county Treasurer to repay him so much w<sup>th</sup>in sixe months.

Courts grant  
of 200 acs to  
Cap<sup>t</sup> Edw.  
Johnson.

Whereas at the Court of Election in May, 1662, on the petiçōn of Cap<sup>t</sup> Edward Johnson, for the graunt of some land, in ans<sup>r</sup> wherevnto the Court graunted him two hundred acres, w<sup>ch</sup> it seemes miscarried, & came not to be entred, this Court judgeth it meete to renew the sajd grant of two hundred acres to the sajd Cap<sup>t</sup> Edward Johnson, & graunts him liberty to take it in any free place w<sup>th</sup>in this jurisdiction according to lawe.

\*In the case now depending betweene Cap<sup>t</sup> Francis Norton & M<sup>r</sup> Nicholas Dauison, plaintiffs, in the behalfe of Charls Toune, afor<sup>s</sup>d, and Th<sup>o</sup> Gleason, aforesajd, defendt, in refference to a certeine parcell of land now in the possession of the saj<sup>d</sup> Gleason, given by Squa Sachem to Jotham Gibbons, the Court, on a hearing of the case & all persons concerned, doe finde for the defendt costs of Court forty fower shillings & fower pence.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of Cap<sup>t</sup> Francis Norton and M<sup>r</sup> Nich<sup>o</sup> Dauison, on behalfe of the inhabitants of Charls Toune, humbly desiring this Court, on seuerall considerations, to graunt the inhabitants of Charls Toune five hundred acres of land in some free place, the saj<sup>d</sup> inhabitants & toune being streightned by parting w<sup>th</sup> lands to accomodate Cambridge, Wooborne, & Maulden, the Court judgeth it meete to graunt theire request.

It is ordered by this Court, that whereas there was graunted to Dedham eight thousand akers of land the last session of this Court, Ensigne John Euerard & Jonathan Danforth are hereby appointed to lay out the same according to graunt.

In ans<sup>r</sup> to the petition of Joseph Boude, stiller of strong waters, humbly desiring the remittment of his fine imposed on him by the County Court held at Salem, it is ordered, that the next County Court in Essex, who best knowes the offence, shall & is hereby impowred to abate of the fine what they shall judge convenient therein.

In ans<sup>r</sup> to the motion & request of the North Company of Boston, the Court judgeth it meete to allow & approve of Thomas Lake, by them chosen, to be theire leiftennant.

In ans<sup>r</sup> to the motion & request of the deputys for Salem, & in theire behalf, the Court judgeth it meete to graunt the inhabitants of Salem a plantation at Pemicooke of sixe miles square, so as there be twenty families settled there w<sup>th</sup>in three yeares, & on the condi<sup>ti</sup>on exprest in a former graunt.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of Richard Dauenport, cap<sup>t</sup> of the Castle, the Court judgeth it meete to referr the ans<sup>r</sup> thereof to Maj<sup>r</sup> Ge<sup>n</sup> Dennison, Major Lusher, Maj<sup>r</sup> Ge<sup>n</sup> Leueret, Cap<sup>t</sup> Clarke, Cap<sup>t</sup> Johnson, & Cap<sup>t</sup> Clap, to drawe vp a comi<sup>ss</sup>ion for y<sup>e</sup> s<sup>d</sup> cap<sup>t</sup> of the Castle, & to take care for a supply of what els is necessary for the vse of the garrison, & make returne of the same to the Court.

In ans<sup>r</sup> to the petition of Margaret Bennet, in behalf of Mary White, hir daughter, humbly desiring to be sett free from Eljas White, hir husband, for his deficiency, &c, in hir peti<sup>ti</sup>on & by wittnesses therein exprest & prooved, the Court judgeth it not meete to graunt hir request.

1663.

21 October.

[\* 129.]

Courts judgm<sup>t</sup>  
in y<sup>e</sup> case be-  
tweene Cap<sup>t</sup>  
Norton for  
Charls Toune  
& Tho. Gleason  
for Cap<sup>t</sup> Scar-  
let.

500 ackers  
graunted to  
Charls Toune  
Vide pa. 579.

8000 ac<sup>s</sup> to  
Dedham, to be  
laj<sup>d</sup> out by Jn<sup>o</sup>  
Euered & Jn<sup>o</sup>-  
than Danforth

Ans<sup>r</sup> to Joseph  
Bouds peti<sup>ti</sup>on

Tho. Lake  
leiftenn<sup>t</sup>.

Pemicooke or  
a new plant<sup>ti</sup>on  
graunted to  
Salem 6 miles  
square, &c.

Ans<sup>r</sup> to Cap<sup>t</sup>  
Dauenports  
peti<sup>ti</sup>on.

Ans<sup>r</sup> to Mar-  
garet Bennets  
peti<sup>ti</sup>on.  
Mary White.

1663.

21 October.  
Ans<sup>r</sup> to M<sup>r</sup>  
Thomas Dan-  
forth addresse.  
Colledge.

In ans<sup>r</sup> to the addresse of M<sup>r</sup> Thomas Danforth, the Court, hauing per-  
rused the contents thereof, together w<sup>th</sup> sundry other particulars referring to  
the colledge, judge meete to order & impower M<sup>r</sup> Francis Willowby, Cap<sup>t</sup>  
Daniel Gookin, M<sup>r</sup> Rich Russell, M<sup>r</sup> Thō Danforth, M<sup>r</sup> Zekeryah Simms,  
& M<sup>r</sup> Jonathan Mitchell a comittee to repajer to the colledge & enquire con-  
cerning the true state thercof in all respects, & to take the Tresurers ac-  
counts, & give him direction for the disposing of the colledge estate for the  
future; and what they shall doe heerein they are to make returne to the  
next Generall Court, together w<sup>th</sup> such proposalls as they may conceive a  
meet expedient for the redresse of any inconveniency that at present doeth  
obstruct the prosperity of the sajd socjety, M<sup>r</sup> Willoughby appointing the  
tjme of meeting.

[\*430.]

\*Wee, whose names are heereunto subscribed, in attendanc to the order  
of this honor<sup>d</sup> Court, in answer to the petition from Marlborough, did accord-  
ingly repajer thither the 13<sup>th</sup> (8), 63, and the next day attended, in a pub-  
licke meeting there, the hearing & debaating of the complaints menconed in  
the petition, & the answers thereto, and did finde that the complaints were not  
w<sup>th</sup>out cawse; for whereas the towne of Marlborough had made an order,  
bearing date 1656, wherein they had agreed & ordered, that all that receaved  
grants of house lotts there should, vpon pœnalty of the forfeiture of theire  
graunts, pay all toune charges according to theire proportions, & be setled &  
resident vpon them w<sup>th</sup>in the time therein pfixt, or else place some other per-  
son whom the toune should accept of, yet this necessary order haue binn  
broken by some grantees, cawsing thereby great disturbance of theire peace,  
& hinderance of theire proceedings in cases civill & ecclesiasticall, as also by  
illegall voting in seuerall towne acts.

Comittees re-  
turne about  
Marlboroughs  
differences.

Wherefore wee humbly p<sup>s</sup>ent to consideration, —

1. That all lands as haue beene granted there since the aforesajd order  
was made, and vpon no other engagement or priviledge then is in that order  
expressed, the grantees whereof haue not fullfilled the conditions therein re-  
quired, shall forthwith be returned againe to the toune, & be at theire dispose,  
except any such grantees as shall, w<sup>th</sup>in two moneths after the end of this  
present session of Court, otherwise agree w<sup>th</sup> the toune.

2. That whatsoever improvement is made vpon any lands so forfeited be  
æqually payd for by the toune, that is, so much as the sajd lands are made  
better thereby, to be apprised by men indifferently & mutually chosen, or by  
whom this Court shall appoint.

3. That henceforth no tounne act passe but in some publicke tounne meeting, orderly called, & only by such as are by lawe enabled so to doe.

1663.

21 October.

ELJAZER LUSHER,  
EDW: COLLINS,  
EDW: JOHNSON.

The Court approoves of this returne.

In the case of Joshua Beale, coming to this Court by reason of disagree<sup>mt</sup> betweene the bench & jury at the Court of Asistants, the Court, on a hearing of the sajd case, judg meete to confirme the verdict of the sd jury. Courts judgm<sup>t</sup>  
in Beales case.

Vpon pervsall of the comissioners letters to the honõble corporation in Engld, & M<sup>r</sup> Elliots motion touching Marmaduke Johnson, printer, informing that the sajd corporation haue contracted w<sup>th</sup> the sajd Johnson for one yeere expiring in August next, it is hereby ordered, that there be a suspension of the execution of an order of the last County Court of Midlesex, for one yeere, injoyning the sajd Johnson to returne to England to his wife, whom he alleadgeth is diseased, & may have oppertunity in the intervall to produce full cirtifficate thereof. Courts order  
ab<sup>t</sup> Marmaduk  
Johnson.

The Court, on pervsall of former proceedings of this Court, finde y<sup>t</sup> in Octo<sup>r</sup>, 1659, W<sup>m</sup> Arnold then demanded from the country only seven pounds five shillings & eight penc as being behind & vnpajd to him, w<sup>ch</sup> some was then ordered to be pajd out of the publick treasury, in case former sattisfaction did not appeare, and doe therefore now order, that tenn pounds be pajd him in full of all his clajmes from the country, provided that, on the receipt thereof, he giue a full discharge from all future demands from this Court on that account. Courts order  
for full paym<sup>t</sup>  
to W<sup>m</sup> Arnold  
& for his dis-  
charge.

In ans<sup>r</sup> to the petition of Francis Hudson & John Burrage, the Court, on hearing of the petiçõners by theire comittee, & considering the petition, conceive that there may be just cause of complaint, & some abatement maybe needfull, but the rent of the ferry by this Court is graunted to the colledge, and the petiçõners contract being w<sup>th</sup> the sajd colledge, therefore declare, y<sup>t</sup> this case is not proper for theire cognisance. Ans<sup>r</sup> to Fran-  
cis Hudsons  
petiçõn as to  
y<sup>e</sup> ferry.

In ans<sup>r</sup> to the petition of Thomas Noyse, of Sudbury, humbly craving this Courts fauor to graunt him some lands as they shall judge meete, the Court did not see cause to graunt him his request. Ans<sup>r</sup> to Tho.  
Noyes petiçõn.

\*In ans<sup>r</sup> to the petiçõn of Joseph Phippen, & on consideration that the Court to w<sup>ch</sup> the petiçõner is sued is not till July next, & that much of the petiçõners goods are of a perishable nature, as corne, hay, catle, & boates, the [\*431.]  
Courts ans<sup>r</sup> to  
Joseph Phip-  
pens petie.

1663.

21 October.

house itself also subject to spoyle & wast, the Court doe therefore judge meete to order, that the petitioner giving sufficient bond, to value of eight hundred pounds, of two able & sufficient persons, well knoune & able to respond the judgment, the plaintiffe, M<sup>r</sup> Robert Jordan, shall obteyne at the sajd Court ag<sup>t</sup> the petiçõner, in July, at the end of the prosecution, in the house, land, catle, boate, &c, of the petiçõners, or else in other goods, æqually vendable & of suiteable value; that the secretary certify to the constable of the place of this order, requiring him, by virtue of it, to deliuer vp to the petiçõner his house, catle, hay, land, boate, & other goods, for his vse, till the case be issued, the plaintiffs damage being provided for by the bonds aboue mentioned, w<sup>ch</sup> bonds shallbe returned to the recorder of the county of Yorke.

Phippenses  
costs ag<sup>t</sup> Rob<sup>t</sup>  
Jordan.

This Court graunted Joseph Phippen his bill of costs ag<sup>t</sup> M<sup>r</sup> Robert Jourdan, for bringing him to Boston, &c, amounting to twelve pounds nineteene shillings.

Courts order  
abt M<sup>r</sup> Cleaue  
for a Court, &c.

Whereas George Cleaue, gen<sup>t</sup>, on his petition to the Ge<sup>n</sup> Court, in ans<sup>r</sup> therevnto was granted a hearing at a County Court to be holden at Yorke in July last, and that M<sup>r</sup> Jordan was then a prisoner at Boston, by meanes whereof all proceedings were waived, least the sajd Jordan should account himself injurjed, whereby also all releife hoped for by the sajd Cleaue was frustrated and disappointed; and that at a Court of associates, late holden, as is alleadged, the sajd Jordan hath further prosecuted ag<sup>t</sup> the sajd Cleaue, by virtue whereof the sajd Jordan hath of late, as the sajd Cleaue hath informed, outed his aged wife and family; and that the said Cleaue was, by Gods providence, not voluntarily, but necessarily detejned; and forasmuch as M<sup>r</sup> Jordan, by former execution, did take from the sajd Cleaue his bed, bedding, kettel, & pott, w<sup>ch</sup> is contrary to lawe, besides two coves, w<sup>ch</sup> also were all he then had to support his family,—it is therefore ordered by this Court, that the associates for that county of Yorke, or any three of them, shall & hereby are impowred & required forthwith to appoint & keepe a Court there, to heare, examine, & determine, either w<sup>th</sup>out or w<sup>th</sup> a jury, as the partjes shall agree, at Saco or Wells, all complaints of either partje by way of revejw or otherwise, according to lawe.

Courts grant to  
Nanamaconuck,  
Pesseconaways  
sonne, 100  
acres.

Whereas Nanamaconuck, eldest sonne to Passeconaway, had a graunt made by this Court some yeares since of a smale parcell of land, about one quarter of a mile square, in the place where he now dwells, nere Groaten, w<sup>ch</sup> graunt, through some omission, is not to be found, though remembred by diis of y<sup>e</sup> Court, this Court doe therefore order, that Ensigne John Euered & Thomas Hincksman be a comittee to lay out & bound to the sajd Indjan one hundred acres of land in a square peece, as neere as they cann, including his

planting ground which he liues vpon; & this sajd land is hereby confirmed to him & his heires foreuer, provided he nor his shall not sell or alienate the sajd land, or any part thereof, vnto any person w<sup>t</sup>soeuer, w<sup>th</sup>out y<sup>e</sup> consent or approbation of this Court.

1663.

21 October

In ans<sup>r</sup> to the request of Nanaleucet, second sonne to Passaconaway, hauing many children, & no land of his oune to plant vpon, this Court judgeth it meet to graunt to him, the s<sup>d</sup> second sonne of Passeconaway, named Nanalau-  
cet, one hundred acres of land, lying vpon a great hill nere a great pond, about twelve miles distant from the house of Ensigne John Euered, part of w<sup>ch</sup> land was formerly planted by the sajd Nanalau-  
cet, provided neither he nor his heires shall sell it to any w<sup>th</sup>out the consent of this Court; & Ensigne John Euered ali Webb, & Thomas Hincksman, of Chelmsford, are to lay it out as neere as they cann in a square peece, including the hill that hath beene planted.

Courts graunt  
of 100 acres to  
Nanaleucet,  
second sonn  
to Passecona-  
way.

\*In ans<sup>r</sup> to the petiçōn of Ljnn troopers, this Court, having considered the seuerall allegations made referring thereto, & especially the diuission of Essex troopers into two troopes, doe order, that henceforth the troopers inhabitting in Lynne shall appertejne vnto & joyne w<sup>th</sup> Salem troope, any former order of this Court otherwise disposing of them notwithstanding, excepting only such as shall rather choose to continue w<sup>th</sup> the Three County Troope, & shall certify theire desire so to doe vnder theire hands at the next meeting of Salem troope.

[\*432.]

Ans<sup>r</sup> to Linn  
troop's petiçōn.  
Lynn troopers  
to belong to  
Salem.

In ans<sup>r</sup> to the petiçōn of John Martjn, the Court judgeth it meete to graunt the petiçōner one hundred acres of vpland, to be lajd out together next to Ensigne John Euered aljas Webb his lands.

Ans<sup>r</sup> to Mar-  
tjns petiçōn.

In ans<sup>r</sup> to the petiçōn of Elisabeth Hubbard, relict of the late Thomas Hubbard, of Billirrickey, the whole Court mett together ordered, that the sajd Elisabeth Hubbard, y<sup>e</sup> widdow, shall haue the whole estate of hir late hus-  
bands, the order of the County Court at Charls Toune notw<sup>th</sup>standing.

Ans<sup>r</sup> to Elisa.  
Hubbards  
petiçōn.

Itt is ordered that Major Eliazer Lusher & Major Generall Jnō Leueret shall & hereby are appointed & impowred as cōmissioners to repajre to Road Island, & to acquaint the præsident & authority or Generall Court there w<sup>th</sup> the Courts sence of theire actings against the peace of this colony by theire intrusions on the bounds of Souther Toune, & to demand of them the grounds of theire proceedings, and what theire clajme is, & by what authority, and to propound to them the Courts willingnes to referr the whole matter in difference betweene them to the cōmissioners of the Vnited Colonjes, or any other æquall arbitrators indifferently chosen, & that, vntill the matter be orderly heard & determined in some way or other, all further molestation & disturb-

Cōmissioners  
to Road Is-  
land.

1663.

21 October.

ance to the inhabitants of the sajd place may cease ; & in case of their refusall to attend a peaceable issue, this Court doe comēd it to the care of the coun-  
cill of this comōnweale, that a meete provission be made for the safety of the  
liues & estates of those that are so injuriously wronged ; also, that they treate  
w<sup>th</sup> the sajd president, & such of the authority of Road Island as he shall  
associate w<sup>th</sup> him, or the Generall Courte there, & if neede be to acquaint  
them w<sup>th</sup> the comīssioners of the colonjes act in refference thereto, & that  
the secretary furnish the sajd comīssioners w<sup>th</sup> the coppies of such letters of  
the Generall Court, council, comīssioners, &c, & other evidences on file, as  
they shall judge meete, making theire returne to the Goſno<sup>r</sup>, councill, or Gen-  
erall Court.

Courts graunt  
to Major Gen<sup>l</sup>  
Dennison.

A bill, passing betweene the Magistrates & Deputjes in May, 1662, in the  
words herevnder expressed : In ans<sup>r</sup> to the motion of Major Generall Daniell  
Dennison for laying out his farme of five hundred acres neere vnto North-  
ampton & Hadely, it is ordered by this Court, that the bounds of Hadeley on  
the west side of the riuer shallbe & heereby are stated at the tree or stake by  
a swampe, being about sixe miles from Northampton meeting house, (as some  
of Hadely declared to Deacon Parkes & others,) and that Major Dennisons  
farme shall beginne at the sajd tree or stake, & there to be lajd out to him as  
is desired, i. e., about a mile along the riuer, in a due square, so as to make  
vp his five hundred acres, & that the bounds of Hadely on the east side of the  
riuer shall extend five miles from theire meeting house place, vp the riuer  
five miles, doune the riuer by streight lynes, & from the eastermost part of the  
riuer fower miles backe into the country, according to the order of the Gen-  
erall Court, the eleventh of the third month, 1659 ; to w<sup>ch</sup> bill the Magis<sup>ts</sup> con-  
sented so farr as it respected Major Generall Dennisons ; and also allowe of  
the bounds of Hadely on the east side of the riuer, & five miles doune the  
river from their meeting house vp the riuer, &c ; only respitted the west side  
of the riuer to further consideration, respecting Mr Bradstreets interest ; to  
w<sup>ch</sup> the Deputjes returned, that perceiving the Magis<sup>ts</sup> haue not concurred w<sup>th</sup>  
their votes of this whole, all declared they did not consent to the last returne  
of the Magistrates. This Court, both Magis<sup>ts</sup> & Deputjes, on pervaill of the  
sajd bill, judged it meete to order, that the grant to Major Generall Dennison  
of the five hundred acres, bounded at the tree or stake, as mentioned in the  
aboue written bill, about six miles from Northampton meeting house, at the  
side or end of a great plajne neere a swampe, & to runne in length vpon a  
north & by east ljne one mile vp the Riuer of Connecticot, & from the riuer  
at both ends vpon a square ljne, viz., east & by south & west & by north from  
the riuer into the wildernes, shall and is hereby confirmed to the sajd Major

Generall Dennison, & Mr Holiocke & Leften<sup>nt</sup> Wilton are heereby appointed 1663.  
to lay it out.

\*For a more cleare & full vnderstanding of the intent of this Court in  
reference to comissions graunted to military officers, it is ordered & hereby  
declared, that all comissions of inferior officers be & doe stand good & in force,  
notw<sup>th</sup>standing the death or remooveall of their superior officer. It is also  
further ordered, that all trayned souldjers, whither horse or ffoote, shall repaire  
to their seuerall quarters, & lodge their armes immediately after their dismis-  
sion, vpon trayning dajes; & whosoever shall, either singly or in companjes,  
remaine in armes, & vainely expend their time & powder by inordinate  
shooting in the day or night after their release, such souldjers, vpon convic-  
tion, shall be punished by their superior officers order, vpon the next trayning  
day, at the head of the company, by sharpe admonition or otherwise, w<sup>th</sup> any  
vsuall military punishment, at the discretion of the cheife officer, provided  
the magistrate haue not taken cognizance of the matter before.

It is also further ordered, that all souldjers, whither horse or ffoote, who  
shall disobey the lawfull comānds of their superior officers vpon any trayning  
day, either in tyme of exercise in the body or otherwise, refusing to performe  
any service w<sup>ch</sup> their officers in their discretion shall judge expedient in  
order to the furtherance & promoteing millitary worke, such refractory souldjers  
shall be punnished, either by admonition or otherwise, at the head of the com-  
pany, w<sup>th</sup> any vsuall military punishments, at the discretion of the cheife officers.

It is also further ordered, & be it heereby enacted, that the lawe lymitting  
troopes not to exceed seventy persons in a troope, as also for allowance of fiue  
shillings p annū, is hereby repealed in reference to any that shall be listed  
after the publication of this order; & that henceforth none shall be admitted  
to be a listed trooper but such whom themselves, or parents vnder whose  
gouernm<sup>t</sup> they are, doe pay in a single country rate for one hundred pounds  
estate, & in other respects also qualified as the lawe provides, & the same cer-  
tified under the hand of the constable of the tounne where they liue.

Bee it also enacted by the authority of this Court, that no masters of shippes  
or seamen, having their vessels rideing w<sup>th</sup>in any of our harbor's in this jurisdic-  
tion, shall presume to drinke healths, or suffer any healths to be druncke w<sup>th</sup>in  
their vessells by day or night, or to shoote of any gunne after the daylight is  
past, or on the Saboath day, on pœnalty for euery health twenty shillings, &  
for euery gunn so shott twenty shillings; & the cap<sup>t</sup> of the Castle is heereby  
enjoynd to giue notice of this order to all shippes that passe by the Castel.

It is ordered, that a letter be written from this Court to Doc<sup>t</sup> John  
Owen, to second Bostons invitation to accept of their call, & was: —

21 October.

[\*433.]

Ord<sup>r</sup> military.Penalty for  
souldjers  
shooting after  
releas.Penalty for  
souldjers re-  
fusing to obey  
y<sup>r</sup> comānds  
giuen by y<sup>e</sup>  
comānds.Troopes to be  
70, & troopers  
5<sup>s</sup> for time to  
come repealed.Pœnalty to  
drinke healths.Penalty for  
ship m<sup>r</sup>s shoot-  
ing at night,  
&c, or Saboath

1663. Refend Sr :

21 October.  
Court's letter  
to Dr. J<sup>n</sup><sup>o</sup>  
Owen.

It hath pleased the most high God, possessor of heaven & earth, who giveth no account of his matters, to take vnto himselfe that pious & eminent minister of the gospel, Mr John Norton, late teacher of y<sup>e</sup> church of Christ in Boston, whose praise is in all the churches, the suiteable & happy repaire of w<sup>ch</sup> breach is of great concernm<sup>t</sup>, not only to that church but to the whole country. Now, although most of vs are strangers vnto you, yet having seene your labours, & heard of the grace & wisdom communicated vnto you from the Father of lights, wee thought meete to write these to second the invitation & call of y<sup>e</sup> church vnto your selfe to come ouer & helpe vs, assuring yow it will be very acceptable to this Court, & wee hope to the whole country, if the Lord shall direct your way hither, & make your journey prosperous to vs. Wee confesse the condition of this wildernes doeth present litle that is attractive as to outward things; neither are wee vnmindfull that the vnder taking is great, & the trialls many that accompany it; the persons that call you, vnworthy, sinful men, of much infirmity, & possibly may fall short of your expectation, (considering the long & liberall day of grace afforded to vs;) yet, as Abraham & Moses, being called of God by faith, forsooke their country & the pleasures thereof, & followed the Lord, the one not knowing whither he went, the other to suffer affliction w<sup>th</sup> & beare the manners of the people of God in the wildernes, & God was w<sup>th</sup> them & honored them, so wee desire that the Lord will cleare your call, & giue yow his presence. Yow may please to consider those that giue yow this call are your brethren, & companions in tribulation, & are in this wilderness for the faith & testimony of Jesus, & that wee yet enjoy (th<sup>ro</sup> the distinguishing fau<sup>r</sup> of God) the pleasant things of Zion in peace & liberty; and whiles the Lord shall see meete to betrust vs w<sup>th</sup> this mercy, wee hope no due care will be found wanting in the gouernm<sup>t</sup> here established to incourage & cherrish the churches of Christ & the Lords faithfull labourers in his vineyard. Thus praying to the God of the spirits of all flesh to set a man ouer this congregation of the Lord that may goe in & out before them, & make your call cleare & voyage succesfull to vs, that if the Lord shall vouchsafe vs such a fau<sup>r</sup>, yow may come to vs in the fullnes of the blessing of the gospell of Christ, w<sup>th</sup> our very kind loue & respects, wee remaine

Your very loving freinds,

JO: ENDECOT, Gov<sup>r</sup>, in y<sup>e</sup> name &  
by y<sup>e</sup> appointm<sup>t</sup> of the Gen<sup>l</sup> Court sitting at Boston, in New England.

Dated 20 October, 63.

\*This Court ordered also, that the Gouverno<sup>r</sup> write a letter, as an ans<sup>r</sup> to S<sup>r</sup> Jn<sup>o</sup> Woolstenholme & other his maj<sup>ty</sup> co<sup>m</sup>missioners letter, about taking bonds, &c, w<sup>ch</sup> is on file, informing of this Courts care in such respect.

In ans<sup>r</sup> to the petition of the inhabitants of Boston, craving the favo<sup>r</sup> of this Court for some further power in refference to the well ordering of trade & tradesmen, & the suppressing of the vices so much abounding there, the Court judgeth it meete to graunt theire request, & doe order & impower M<sup>r</sup> Francis Willoughby, Majo<sup>r</sup> W<sup>m</sup> Hawthorne, Cap<sup>t</sup> Norton, Cap<sup>t</sup> Edw Johnson, M<sup>r</sup> Edward Collins, & M<sup>r</sup> Henry Bartholmew as a co<sup>m</sup>ittee to pervse the charter now in Court, & how farre it is meete to be granted, or what else they shall judge meete for the attayning of the ends aboue expressed, making returne of what they shall conclude vpon to the next Court of Election.

This Court is dissolved.

1663.

21 October.

[\*434.]

Courts ord<sup>r</sup> for  
y<sup>e</sup> Gour<sup>t</sup> to ans<sup>r</sup>  
S<sup>r</sup> Jn<sup>o</sup> Wool-  
stenholms let-  
ter.  
Ans<sup>r</sup> to Boston  
peti<sup>tion</sup>.

*Att a Generall Court for Elections, held at Boston, 18<sup>th</sup> of  
May, 1664.*

1664.

18 May.

J<sup>N</sup><sup>O</sup> ENDECOTT, Esq<sup>r</sup>, was chosen Gou<sup>v</sup>no<sup>r</sup>, & tooke his oath in Court.  
R<sup>i</sup> Bellingham, Esq<sup>r</sup>, was chosen Dep<sup>t</sup> Gou<sup>v</sup>no<sup>r</sup>, & tooke his oath y<sup>e</sup> 19<sup>th</sup>  
instant.

Symon Broadstreet, sworne, & Co<sup>m</sup>issioner,

Sa<sup>m</sup> Symonds, sworne,

Francis Willoughby, sworne,

Th<sup>o</sup> Wiggins,

Daniell Gookin, sworne,

Daniell Dennison, sworne, 2 reserv,

Symon Willard, sworne,

Rich Russell, Esq<sup>r</sup>, sworne, & Tre<sup>s</sup>,

Thomas Danforth, sworne, & Co<sup>m</sup>issio<sup>n</sup>,

W<sup>m</sup> Hawthorne, sworne, 1 reserv,

Eliazer Lusher, sworne,

Rich Saltonstall,

were chosen Asistants.

Edw Rawson was chosen Secre<sup>t</sup>, & tooke his oath.

Jn<sup>o</sup> Leifret, Esq<sup>r</sup>, was chosen S<sup>t</sup> Maj<sup>r</sup> Generall.

1664.

18 May.

Deputjes returnd from y<sup>e</sup> seuerall townes to serve at this Court.

Salem : M<sup>r</sup> Edmond Batter, Cap<sup>t</sup> Thō Lathrop.

Charls Toune : Cap<sup>t</sup> Francis Norton, Left Rich Sprague.

Dorchester : Cap<sup>t</sup> Roger Clap, Left Hopstill Foster.

Boston : Maj<sup>r</sup> Ge<sup>n</sup> Jn<sup>o</sup> Leueret, Cap<sup>t</sup> Thō Clarke.

Roxbury : M<sup>r</sup> W<sup>m</sup> Parks, Left Griff: Crafts.

Water Toune : Cap<sup>t</sup> Hugh Mason, Left Rich Beares.

Cambridg : M<sup>r</sup> Edw<sup>o</sup> Collings, Left Edw<sup>o</sup> Winship.

Lynne : Cap<sup>t</sup> Thō Marshall.

Ipswich : Cap<sup>t</sup> John Apleton, M<sup>r</sup> Jn<sup>o</sup> Gettings.

Newbery : M<sup>r</sup> Edw<sup>o</sup> Woodman.

Weimouth : Left Jn<sup>o</sup> Holbrooke.

Hingham : S<sup>t</sup> Jn<sup>o</sup> Levitt.

Concord : Cap<sup>t</sup> Timō Wheeler.

Dedham : Ensigne Daniel Fisher, Left Joshua Fisher.

Salisbury : M<sup>r</sup> Jeremiah Houchin.

Hampton : Cap<sup>t</sup> W<sup>m</sup> Gerrish.

Rouley : Maximillian Jewet.

Braintry : M<sup>r</sup> Sa<sup>m</sup> Bass.

Wooborn : Cap<sup>t</sup> Edw<sup>o</sup> Johnson.

Malden : M<sup>r</sup> Joseph Hills.

Meadfeild : M<sup>r</sup> Ralph Wheelocke.

North Hampton : Left Sa<sup>m</sup> Smith, M<sup>r</sup> W<sup>m</sup> Lewis.

Chelmsford : Ensigne Jn<sup>o</sup> Euered.

Casco : M<sup>r</sup> Georg Cleave.

Kittery : M<sup>r</sup> Roger Plaisted.

Major Generall Jn<sup>o</sup> Leueret was chosen Speaker.

[\*435.]  
Pœnalty for  
rude singing  
in tauerns or  
ale houses.

\*This Court being sensible of the great encrease of prophanes amongst vs, especially in the younger sort, taking their oppertunity, by meeting together in places of publick enterteinment, to corrupt one another by their vnciuill & wanton carriages, rudely singing & making a noyse, to the disturbance of the family & other guests, if any be in the house, —

This Court do therefore order & hereby enact, that no person or persons whatsoever do presume, either in word or deede, to carry it vnciuilly or wantonly, singing rudely, or making a noyse, to the disturbance of the family or any other guests, in any place of publick enterteinment, on pœnalty of paying fīue

shillings for euery offence ag<sup>t</sup> this lawe, being thereof legally convicted before any Court, magis<sup>ts</sup>, or co<sup>m</sup>mission<sup>r</sup>; and where sundry persons are in the same company where any such rude & vncivil carriages are acted, & the particular person or persons vnkno<sup>u</sup>ne, euery of the sajd persons shall be l<sup>j</sup>able to the like p<sup>o</sup>enalty, vnlesse they cann attest their innocency, and doe freely giue in their testimony against the nocent; and if any person allowed to keepe a house of publick entertainement shall suffer such carriages by any person or persons, & not legally prosecute the same before authority, on legall conviction thereof before the County Court, of whom they had their license, they shallbe debarred of any further renuall thereof.

1664.

18 May.

This Court, hauing p<sup>er</sup>used an order of the council, bearing date the 31<sup>th</sup> of December, 1663, impowring a co<sup>m</sup>mittee to engage some faithfull freinds in our buisnes in refference to the publicke concernes of the country in England, in presenting the counccills answer to his maj<sup>ty</sup>s gracious letter, & the complaints exhibbitted by the petition of Tobyas Saunders & Robert Burdet vnto his maj<sup>ty</sup> & councell, & other matters of concernment to this colony, doeth approove & allow of what the council did therein, & doe impowre the sajd co<sup>m</sup>mittee to act therein as maybe most for the publick weale of this jurisdiction, & doe declare, that they will take due care to defray the charge which shall be expended therein, the disburs not exceeding fower hundred pounds.

Confirmation  
of the counccills  
co<sup>m</sup>mittee as to  
or affaires in  
Engl<sup>a</sup>.

This Court, being informed that some of his maj<sup>ty</sup>s shippes are on their voyage to these parts, in which are seuerall gentlemen of quality, doe therefore order, that the cap<sup>t</sup> of the Castle, on the first sight & knowledge of their approach, giue speedy notice thereof to the honored Gouverno<sup>r</sup> & Deputy Go<sup>v</sup>no<sup>r</sup>, and that Cap<sup>t</sup> James Oliuer & Cap<sup>t</sup> Willjam Davis are hereby ordered forthwith to repaire on board the sajd ships, and to acquaint those gent<sup>n</sup> that this Court hath & doeth by them present their respects to them, & that it is the desier of the authority of this place that they take strict order that their vnder officers & souldjers, in their coming on shoare to refresh themselves, at no time exceed a convenient noumber, & that w<sup>th</sup>out armes, & that they behaue themselves orderly amongst his maj<sup>ty</sup>s good subjects heere, & be carefull of giving no offence to the people & lawes of this place, and invite them on shoare, provision being made for their present refreshment by the sajd Cap<sup>t</sup> Oliuer; and the mannagement of the military entertainement & the guard is left to be ordered by the majo<sup>r</sup> generall & militia of Boston, w<sup>th</sup> respect to their honno<sup>r</sup>ble reception.

Order for re-  
ception of the  
kings shippes.

\*This Court, being sencible of many distractions & troubles vnder which the country doe labor in sundry respects, as also the sad estate & condition of Gods people & interests in other places, doe co<sup>m</sup>end vnto all the churches &

[\*436.]

15th June, day  
of humilliation.

1664.

18 May.

Ab<sup>t</sup> millitary  
comissions.

people of this colony the 15<sup>th</sup> of June next to be kept a solemne day of humiliation & prayer for the Lords mercy to be towards vs, & his gracious returne to his people, according as wee & they may or doe stand in neede thereof.

This Court doeth order, that the clarkes of the millitary companjes for Boston, Ipswich, Salem, & Charls Towne doe forthwith respectiue take care to take forth from the secretary their comissions for the militia of their townes, on pœnalty of fīue pounds for euery months neglect.

Order for y<sup>e</sup>  
patent to be  
brought into y<sup>e</sup>  
Court.

Forasmuch as it is of great concernment to this cōmonwealth to keepe safe & secret our pattent, it is ordered, the patent, & duplicate belonging to the country, be forthw<sup>th</sup> brought into the Court, & that there be two or 3 persons appointed by each house to keepe safe & secret the sajd patent & duplicate, in two distinct places, as to the sajd cōmittees shall seeme most expedient.

Cōmittee to re-  
ceive y<sup>e</sup> patent  
from y<sup>e</sup> secret.

It is ordered, that the Dep<sup>t</sup> Goſno<sup>r</sup>, Majo<sup>r</sup> Geſill Leueret, Cap<sup>t</sup> Clarke, & Cap<sup>t</sup> Johnson are appointed to receive the grand patent from the secretary, & to dispose thereof as maybe most safe for the country.

Secretarys dis-  
chardg for y<sup>e</sup>  
pattent p<sup>r</sup> Tho.  
Danforth, p<sup>r</sup>  
order of y<sup>e</sup>  
Court.

The secretary, being sent for the patent, brought it into the Court, and deliuered it to the Dep<sup>t</sup> Goſno<sup>r</sup>, Rich Bellingham, Esq<sup>p</sup>, & the rest of the cōmittee, in presenc of the whole Court, and was dischargd thereof.

M<sup>r</sup> Duncans  
discharge.  
Jn<sup>th</sup> Negus to  
keepe y<sup>e</sup>  
weights &  
measures.

M<sup>r</sup> Duncan appearing to this Court, &, by reason of imperfection & age, desired to be dischargd of his trust in relation to weights & measures, this Court doeth therefore order the sajd weights & measures to be deliuered into the hands of Jonathan Negus, & y<sup>t</sup> he succeed in y<sup>t</sup> place.

Courts declara-  
tion ab<sup>t</sup> Hart-  
ford & New  
Haven, &c.

This Court, considering the vncomfortable differences betweene our confœderates of the two jurisdictions of Conecticott & Newhauen, doe appoint M<sup>r</sup> Willowby, Cap<sup>t</sup> Gookin, Maj<sup>r</sup> Generall Leueret, & Cap<sup>t</sup> Edw<sup>th</sup> Johnson a cōmittee to drawe vp letters vnto each colony, wherein maybe expressed such arguments as may be fitt to persuade them to unity & agreement, which hitherto they haue seemed to decline, though once & againe mooved therevnto by the cōmissioners of the Vnited Colonjes, as their records declares, and that, in case they shall not make accord betweene themselves before the next meeting of the cōmissioners of the Vnited Colonjes at Hartford, then that this Court doe order their cōmissioners to declare that such diuitions & refusall of submission vnto the orderly advice of the cōmissioners, according to the artickles of confœderation, is a violation of the confœderation if persisted in, & that they joyne w<sup>th</sup> the rest of the cōmissioners of the colonjes in declaring the same.

Letters were accordingly writt, approoved of, & send accordingly, w<sup>ch</sup> are on file.

\*This Court, finding the complaints of the people at Souther Toune ag<sup>t</sup> 1664.  
 Cap<sup>t</sup> Georg Dennison, & of his complaints against the sajd toune, to be cir-  
 cumstanced w<sup>th</sup> difficulty, both in regard of the vnsetlednes of the sajd place  
 by clajmes made to jurisdiction ouer them by other colonjes, & also in respect  
 of the defect of legall testimonyes in the case, the Court doeth advise & order  
 the respectiue complaynants to repare to their respectiue habitation, & en-  
 deavo<sup>r</sup> to liue in loue, peace, & vnity, & to forgiue & forgett former injurjes  
 on either part, & to conforme themselves in their respectiue capacitjes vnto  
 such orders & instructions given them by this Court for their quiet gouern-  
 ment, vntill such time as the case betweene this colony & others that clajme  
 jurisdiction there be determined, & in the interim, that they doe, w<sup>th</sup> vnity of  
 heart, endeavo<sup>r</sup> to setle & incourage a godly, able, & orthodoxe ministry  
 amongst them, which wee hope willbe a good meanes further to vnite them in  
 peace & loue.

18 May.  
 [\*437.]  
 Courts advice  
 to Souther  
 Toune.

In ans<sup>r</sup> to the petition of Samuel Plummer, fferryman, of Newbery, hum-  
 bly shewing that, by a country highway & bridge, set forth & erected vp the  
 riuer by y<sup>e</sup> County Court of Ipswich for y<sup>e</sup> bennefit of y<sup>e</sup> country, his inheri-  
 tance & trade is much weakened & endamaged, & humbly desiring this Court  
 to mak such due reparation to him, in consideration thereof, as in their wis-  
 domes they shall see meet, the Court judgeth it meete to order & enable the  
 petiçoner henceforth to take one penny more then formerly for the passage of  
 each person & each beast that he shall transport ouer that ferry, & that he is  
 & shall be dischargd of all rates that are or shallbe made in refferenc to the  
 bridg & highway mentioned in his petition, so long as he shall duely attend  
 y<sup>t</sup> ferry.

Ans<sup>r</sup> to Sam.  
 Plumers peti-  
 çon.

In ans<sup>r</sup> to the petition of John Roy, Scotchman, this Court judgeth it  
 meete to confirme the administration, granted to him by the County Court,  
 of Alexander Macdannels estate, January 26, 1663, as in that act of Court is  
 expressed, so as he giue bond to the secretary to respond what shallbe legally  
 clajmed out of that estate by any person whatsoever.

Ans<sup>r</sup> to Jn<sup>o</sup>  
 Roys peti. ab<sup>t</sup>  
 Macdanel es-  
 tat, y<sup>e</sup> County  
 Courts order  
 & inventory is  
 in those rec-  
 ords.

Cap<sup>t</sup> Daniel Gookin is hereby desired & appointed to keepe the Courts  
 in Portsmouth, or Douer, & Yorke, for this yeare, if he come home & be  
 well; otherwise, Mr Rich Russell.

Cap<sup>t</sup> Gookin to  
 keepe Courts  
 at Yorke, &c.

In ans<sup>r</sup> to the petiçon of Samuel Chapin, of Springfeild, humbly desiring  
 the favo<sup>r</sup> of this Court to grant him some lands in refference to service  
 donne, the Court judgeth it meete to grant him two hundred acres of land  
 where he cann finde it, not formerly granted to toune or person.

Ans<sup>r</sup> to Sam.  
 Chapins peti-  
 çon & 200 ac<sup>rs</sup>  
 gr<sup>td</sup> him.

In ans<sup>r</sup> to the petition of M<sup>r</sup> George Cleaue, the Court judgeth it meet

Ans<sup>r</sup> to M<sup>r</sup>  
 Cleaues peti-  
 çon.

1664. to referr the petiçoner to an ordinary course of justice in the Courts of that sheire.

18 May.  
M<sup>r</sup> Symonds to  
keepe Courts  
in Norfolk.

M<sup>r</sup> Sam Symonds is desired & appointed to keepe County Courts in Norfolk, w<sup>th</sup> the associates there, for the yeare ensuing.

[\*438.]  
Ans<sup>r</sup> to Zacheus  
Golds peti-  
tion.

\*In ans<sup>r</sup> to the petition of Zacheus Gold, the Court judgeth it meete to order, that Ensigne Thō Houlett & Jn<sup>o</sup> Gage be a comittee to lay out three hundred acres, formerly granted by this Court to M<sup>r</sup> W<sup>m</sup> Pajne, in behalf of Cap<sup>t</sup> Patricke, 13<sup>th</sup> May, 1640, according to that grant, by the first oppertunity.

Salem military  
officers.

This Court, being informed that the ffoote company at Salem is destitute of all comission officers, and that some persons haue binn nominated & presented to the last County Court at Ipswich, who were not sattisfied to confirme the sajd persons, it being altogether necessary to provide for the peace & welfare of a place so considerable, doeth order, that Major W<sup>m</sup> Hawthorne doe take the care & comand of the sajd company; & this Court doeth expect a ready & willing compljance of the sajd company to this order in referrenc to the sajd Major Hawthorne, of whose abillity & service they haue formerly had good & long experience; and for the present haue desired & doe hereby impower M<sup>r</sup> Walter Price as leftennant, and M<sup>r</sup> Hilliard Veren as ensigne, not hereby hindering the sajd company in due time to proceede to an orderly election, if they see cause, & present the same to this Court for confirmation.

Order ab<sup>t</sup> Abra-  
ham Busbys  
sallery, &c.

Itt is ordered, that the Treasurer of the country sattisfy & pay Abraham Busby the some of two pounds tenn shillings more in relation to what is yet due to him for his attendanc on the deputye the last yeare, & also to sattisfy W<sup>m</sup> Hudson the some of twenty shillings for his djet.

May 17, 1664.  
President  
Chancys  
farme.

Layd out to M<sup>r</sup> Charls Chancy, præident of Harvard Colledg, five hundred acres of land in the wilderness on the northeast of Merremack Riuer, begining at the most westerly angle of a farme lately layd out to the toune of Boston, which corner bounds is a red oake, bounded w<sup>th</sup> H on east side of it, & C on the southwest; this farme also bounds it on the northeast two hundred eighty fower pole, where it is bounded by a stake & a heape of stones; from thence it runs west & by south three hundred & fifty pole, vnto a great white cratched, w<sup>th</sup> in sixe foote of the ground, standing in a botome on the west of a litle meadow; & from thence it runs northwest & by north two hundred seventy fower pole, vnto a bound marked tree w<sup>th</sup> some stones layd about it; and from thence to the first line three hundred & twenty

pole; also, there is litle meadow which is cutt by the southerly lne, leaving out of it about sixe acres, which is also layd to this farme; all which farme is sufficiently bounded, but the forme of it doe more plainly appeare by a plott taken of the same p Jonathan Danforth, survejo<sup>r</sup>.

1664.

18 May.

JOHN PARKER.

The Court doeth allow & approve of this returne.

Eljas Mauericke, bein chosen by the North Company in Boston to be their ensigne, & presented to this Court for confirmation, the Court allowed of their chojce, & confirmed him as their ensigne.

Elias Mauericke ensigne.

The Tresurers account being audited by the comittee appointed by this Court, & returne made by y<sup>e</sup> comittee that they found no objection ag<sup>t</sup> it, the Court allowed thereof, & judged it meete to allow the Tresurer thirty five pounds, the ballanc then of y<sup>e</sup> account due to the *the* Tresurer being three hundred & nine pounds.

Tresurers acco<sup>t</sup> audited & allowed.

Whereas there are seuerall arrears due from the county of Yorke, w<sup>ch</sup>, for some certeine yeares past, for y<sup>e</sup> sallery of magistrates, deputjes charge, & other the like considerations, should haue binn payd into y<sup>e</sup> country Treasurer, as by the sajd Treasurers accompt doeth & may appeare, it is therefore ordered by this Court, that for the more speedy discharge thereof, of the County Court of Yorkshire next ensuing shall take an effectuall course that all the sajd arrears y<sup>t</sup> are yet behind shall be suddainly gathered in & transmitted into the hands of y<sup>e</sup> Treasurer of y<sup>e</sup> country.

Order ab<sup>t</sup> Yorkshire arrears.

\*The Court, hauing cognisance of the seuerall reproachfull expressions vttered by Willjam Cotton ag<sup>t</sup> our honored Goũno<sup>r</sup>, & those w<sup>ch</sup> reflect deeply on the freemen of this jurisdiction, judg his offence to be heynous, & aggravated by his former miscarriage, & doe therefore order him to be disfranchised & disabled to beare any millitary office, & be whipt openly, not exceeding tenn stripes, or otherwise pay the some of fieteene pounds to the publick Treasurer, & to stand comitted vntill he pay the fine, if he accept that way; & he is hereby discharged from his bonds for the good behaiour & attendance at the next County Court.

[\*439.]

W<sup>m</sup> Cottons censure.

In ans<sup>r</sup> to the petition of W<sup>m</sup> Haues, humbly desiring the favo<sup>r</sup> of this Court to be freed from the bonds he hath entred into for y<sup>e</sup> peace, w<sup>ch</sup> W<sup>m</sup> Morrice swore against him, the Court grants his request.

W<sup>m</sup> Haues releast his bonds for y<sup>e</sup> peace.

For an issue of the case in difference betweene Majo<sup>r</sup> Generall Dennison & the toune of Hauerill, relating to their bounds, the Court judgeth it meete to confirme the bounds of Hauerill, not extending vpon the riuer aboue eight

Hauerill bounds. Maj<sup>r</sup> Gen Denisons farme ag<sup>n</sup> confirmed.

1664.

18 May.  
Ans<sup>r</sup> to W<sup>m</sup>  
Salters peti-  
tion.

miles from their meeting house, and doe confirme vnto Major<sup>r</sup> Generall Denison his farme as it is now lajd out.

In ans<sup>r</sup> to the petition of W<sup>m</sup> Salter, it is ordered, that the petitioner, in refference to what is due to him from S<sup>r</sup> Thomas Temple, be refferred to the order of Court in that case granted him, and that the selectmen of Hampton shall speedily pay him what, vpon just account, is due to him respecting the charge of Vnice Cole, and doe allow of the bill of costs in M<sup>r</sup> Woodmanseys case, tryed in Court, w<sup>ch</sup> amounts to twenty two shillings & tenn pence.

A 1000 acres of  
land granted to  
Hadley in case.

In ans<sup>r</sup> to the petition of Samuel Smith, for & on the behalfe of the toune of Hadley, the Court judgeth it meete to grant the thousand acres of land mentioned in their petition, next to Major<sup>r</sup> Geñ Denisons land, to the toune of Hadley, on condition that they make agreement w<sup>th</sup> the wo<sup>r</sup>pf<sup>1</sup> M<sup>r</sup> Broadstreete for the fīue hundred acres, lying w<sup>th</sup>in the bounds of their sajd toune; otherwise the sajd grant to be voyd.

Ipswich offi-  
cer.

The ffoote company of Ipswich hauing chosen Thomas French ensigne, Thomas Burnam, Jacob Perkins, Thomas Wajt, sergants, as also Thomās Hart & Francis Wainwright corporalls, this Court judgeth it meete to allow & confirme the sajd chojce respectiuey.

Ans<sup>r</sup> to Rich.  
Heildrich peti-  
tion.

In answer to the petition of Richard Heildrich, of Chelmsford, humbly craving the favo<sup>r</sup> of this Court to consider his necessitious condiçōn, & grant him some lands, this Court judgeth it meete to grant him one hundred & fifty acres of vpland & meadow where it may conveniently be found, not pjudjciall to any plantation.

Ans<sup>r</sup> to Jona-  
than Rains-  
fords petition.

In ans<sup>r</sup> to the petition of Jonathan Rainsford, humbly craving the favo<sup>r</sup> of this Court to remitt him the fine of forty shillings, w<sup>ch</sup> the law imposeth on him for his not prosecuting an appeale at the Court of Asistants in September last, the Court judgeth meete to grant his request.

Jn<sup>o</sup> Eñed &  
Sam. Addams  
to marry at  
Chelmsford.

M<sup>r</sup> John Euered alias Webb & Samuel Addams, being both present, are hereby impowred to joyne persons in marriage that shall be duely published according to lawe w<sup>th</sup>in the toune of Chelmsford.

[\*440.]

Ans<sup>r</sup> to John  
Hutchins peti-  
tion.

\*In ans<sup>r</sup> to y<sup>e</sup> petition of John Hutchins, late cunstable of Hauerill, humbly craving the favo<sup>r</sup> of this Court to remitt him to y<sup>e</sup> value of three or fower pounds, w<sup>ch</sup> in corne in his hands was consumed by fire, the Court judgeth it meete to grant his request, viz<sup>t</sup>, a dischardge from the Treasurer for so much as he affirmes was lost by fier in his hands, so he make prooffe thereof to the Treasurer, & that the Treasurer pay the petiçōner twenty shillings for his pains in excecuting a warrant for y<sup>e</sup> a<sup>p</sup>hending of an Indian for killing his squaw.

In ans<sup>r</sup> to the petition of M<sup>r</sup> John Cheeckley, the Court judgeth it meete to order, that the secretary renew the executions on the judgments of the County Courts ag<sup>t</sup> M<sup>r</sup> Thomas Broughton, & his propper estate, to & for M<sup>r</sup> John Checkley, & to direct the same to the marshall generall, or his deputy, to execute them on the said person & his propper estate.

1664.

18 May.

Ans<sup>r</sup> to M<sup>r</sup>  
Checklys peti-  
tion.

In ans<sup>r</sup> to the petition of Eliazer Fawer, humbly craving the favo<sup>r</sup> of this Court that he may be impowred by y<sup>e</sup> authority of this Court to set vp y<sup>e</sup> trade of a cooper in the toun of Boston, w<sup>ch</sup> he hath lately learnt, the Court judgeth it meete to allow y<sup>e</sup> petitioner to practice the trade of a cooper in Boston, provided that he be found sufficient in that art, to be tryed by fower skilfull men in that trade, two of them to be chosen by the selectmen of Boston, & two by y<sup>e</sup> petiçoner, any three of them to determine the case.

Ans<sup>r</sup> to Eliazer  
Fawers peti-  
tion.

In ans<sup>r</sup> to a second humble petition & acknowledgment of W<sup>m</sup> Cotton exhibitted to this Court, acknowledging the justice of the Courts sensure ag<sup>t</sup> him, & humbly desiring the favo<sup>r</sup> of the Court in mittigating thereof, or remitting his fine, the Court judgeth it meete to abate the petitioner tenn pounds of his fine.

Ans<sup>r</sup> to W<sup>m</sup>  
Cottons 2<sup>d</sup>  
petiçon.

Layd out to John Martyn, of Chelmsforth, one hundred acres of land, more or lesse, on the north of Merremacke River at Patucket, bounded by the said riuer on the south ninety seuen pole, and by the Indian plantation on the east one hundred forty three pole, and from thence it runnes to M<sup>r</sup> Webbs farme, w<sup>ch</sup> l<sup>j</sup>ne is two hundred & tenn pole, bounded there by the wilderness, & on the west side it is bounded by M<sup>r</sup> Webs farme. Layd out

John Martyns  
land, 100 acres,  
lajd out.

· By JONATHAN DANFORTH, Surveyo<sup>r</sup>.

The Court doeth allow & approove of this returne.

In ans<sup>r</sup> to the petition of Edward Colcord, the Court judgeth it meet to respit the hearing of the case mentioned in his petition till the next session of Court, & that the petitioner put in security to beare the charge of the Court, & notice be given to persons concerned to appeare at that tyme.

Ans<sup>r</sup> to Edw.  
Colcords peti-  
tion.

In ans<sup>r</sup> to the petition of Cap<sup>t</sup> Thō Clarke, the Court judgeth it meete to grant the petitioner a hearing of his case on the second day in October next sessions, & order a suspension of the execution vntill this Courts determination of the case, all persons concerned being warned ag<sup>t</sup> that time.

Ans<sup>r</sup> to Cap<sup>t</sup>  
Clarks petiçon.

In answer to the petition of Nicholas Ellen, of Dorchester, humbly craving this Courts favo<sup>r</sup> for releife, the former order of Court, & ans<sup>r</sup> to Mary Ponds petiçon, (with whom he hath entred marriage,) notw<sup>th</sup>standing,

Courts ans<sup>r</sup> to  
Nicholas El-  
lens petiçon as  
to Mary Ponds  
child.

1664.

18 May.

[\*441.]

Ans<sup>r</sup> to Peter  
Bacons peti-  
tion.

for y<sup>e</sup> bringing vp the youngest children, the Court judgeth it meete to referr the ans<sup>r</sup> of this peti<sup>ō</sup>n to the selectmen of Dorchester, to act therein as they shall see cause.

\*In ans<sup>r</sup> to the petition of Peter Bacon, of Hingham, humbly desiring the favo<sup>r</sup> of this Court to remitt him his fine imposed on him by the County Court of Boston, the Court judgeth it meete to referr the petitioner for answer to that County Court where he was fined.

Cap<sup>t</sup> Hutchin-  
sons censure,  
10<sup>th</sup> fine.

Cap<sup>t</sup> Edward Hutchinson, appearing before this Court, & being legally convicted of putting vote on the day of election cast contrary to lawe, thereby openly contemning the authority of this Court, is fined tenn pounds, as the lawe in this case provides.

Courts act abt  
Road Island.

The Court, hauing pervsed the seuerall letters from the authority of Road Island to the councill of this co<sup>m</sup>onwealth, together w<sup>th</sup> their answers & conclusions, in refference to the differences now depending betweene the two collonjes, doe approve of the act of the councill lately made for the empowring of Majo<sup>r</sup> Gen<sup>l</sup> Dennison & M<sup>r</sup> Thomas Danforth therein exprest, & also doe allow & approve of the co<sup>m</sup>ission & instructions already drawne vp & presented to this Court for issuing the same.

500 acres of  
Wajmesek In-  
dians land lajd  
out.

According to the order of this honored Court, 25 October, 1662, there is lajd out vnto the Indians who are the inhabitants of Waymesick five hundred acres of land on the east side of Concord Riuer, and joyning to the sajd riuer & to Merremack Riuer; it runnes vpon Concord Riuer about one mile & three quarters, which reacheth to Bacon Brooke, & bounded by the sajd brooke on the south fower score poole; it runnes from the mouth of Concord Ryuer doune Merremacke Riuer two hundred & fifty poole, where it is bounded by a red oake, marked; from thence it runnes according to the bound marke trees, w<sup>th</sup> two angles, vnto Bacon Brooke; all which doe more plainly appeare by plott of it vnder written. This five hundred acres is part of that three thousand w<sup>ch</sup> was layd out to M<sup>rs</sup> Winthrop formerly, only in the returne of sajd three thousand there is mention made of one hundred acres allowed in that farme in refference to land the Indians had improoved w<sup>th</sup>in the bounds of it. This worke was donne by the co<sup>m</sup>ittee appointed to y<sup>e</sup> same by this Generall Court.

SYMON WILLARD,

JOHN PARKER,

JONATHAN DANFORTH, Surveyo<sup>r</sup>.600 ac's grant-  
ed to heirs of  
M<sup>rs</sup> Winthrop  
for 400, &c2<sup>d</sup> m, 1664.

The Court allowes of this returne, and doe judg meete to grant the

heires of M<sup>rs</sup> Winthrop, in steed of the fower hundred accres aboue taken out of hir farme, sixe hundred acres of land in such place as they shall find free.

1664.

18 May.

Lajd out to M<sup>rs</sup> Margaret Winthrop three thousand acres of land, more or lesse, in the bounds of the toune of Billirrikey, beginnig at the mouth of Concord Riuer, and so running vp the said riuer sixe hundred & eighty pole, bound there w<sup>th</sup> many white oakes, marked w<sup>th</sup> W; and because this grant was to take the nearest land to the mouth of the riuer, therefore it is lajd out in a true circle from riuer to riuer, all w<sup>ch</sup> is well and sufficjently bounded by marked trees as before, and is more fully demonstrated by a plott taken of the same; also, there is allowed one hundred acres in refference to what Indians haue broken vp; also, lajd to M<sup>rs</sup> Winthrop, aforesajd, thirty accres of meadow, according to hir grant, on the west side of Concord Riuer, taking the first parcell of meadow on that side which was neerest the farme, and conteyned y<sup>t</sup> quantity; it lyeth vpon a smale riuer vpon w<sup>ch</sup> Chelmsford will stand, which runnes into Concord Riuer; it joyneth to the lje of Chelmsford toune, and so runnes doune the riuer vntill wee come so farr as to make thirty acres; it is bounded by a white oake below, & so takes in all that meadow aboue, (which was comonly called the Indians meadow,) and lying in the bounds of their plantation. Laid out

3000 acres lajd  
out to M<sup>r</sup> Win-  
throps heires.

By JONATHAN DANFORTH, Survey<sup>r</sup>.

Approved by y<sup>e</sup> rest of y<sup>e</sup> comitte.

EDW: JOHNSON,

THO: ADDAMS.

The Court allowes of this returne; the fower hundred acres, besides the first hundred, excepted, w<sup>ch</sup> is layd out of y<sup>s</sup> farme to y<sup>e</sup> Indians in y<sup>e</sup> returne made by M<sup>r</sup> Willard, John Parker, & Jonathan Danforth, & by this Court confirmed to the Indians; insteede whereof this Court doeth grant to the heires of y<sup>e</sup> sd M<sup>rs</sup> M<sup>rs</sup> Margaret Winthrop sixe hundred acres where it is to be found.

\*In ans<sup>r</sup> to the petition of M<sup>r</sup> John Elljott in behalfe of the Indians of Putikookuppog, the Court judgeth it meete to grant this petition: viz<sup>t</sup>, a plantation to the Indians, not exceeding fower thousand acres, and that it prejudice nott Ipswich grant, or any former grant, in the place desired, nere Quoboag, & for the ordering and setling thereof haue appointed & empowred M<sup>r</sup> Samuell Smith, M<sup>r</sup> Elizur Holjoke, & M<sup>r</sup> Willjam Holton, who may, vpon

[\*442.]

Land granted  
to Putikooku-  
pog Indians  
nere Quoboag.

1664.

18 May.

the place, determine the situation & limits of the said Indian plantation, & so to state & order the same as maybe for the accommodation both of English & Indians, & that the said committee shall give notice to all persons concerned to attend at the time of their meeting, if they see cause, provided the said Indians engage nor sell it without leave first obteynd from this Court.

Symon Tuttle  
censure.

In the case of Symon Tuttle, the Court, having heard & considered the case, doe finde his offence of a very heynous nature, as returned from Ipswich Court, yet considering his ingenuous acknowledgment in word & writing, & considering that his sentence to be corporally punished by whipping at Ipswich on a lecture day, not exceeding twenty stripes, or otherwise pay as a fine to the country the some of tenn pounds, and also to find sureties for his good behaviour in the some of one hundred pounds, vntill Ipswich Court next in March, & then, if there appeare nothing ag<sup>t</sup> him, to be discharged.

The committee of militia of Boston by authority of the Generall Court of Massachusetts collony, to Cap<sup>t</sup> Richard Dauenport.

Seale of y<sup>e</sup>  
Colony.

J<sup>n</sup> Endecott,  
Gou., R. Bel-  
linghm, Dep<sup>t</sup>  
Gou., J<sup>n</sup> Leu-  
eret, Tho.

Sauag, Tho.  
Clarke, James  
Olliuer, James  
Johnson.

Cap<sup>t</sup> of ye Cas-  
tle his commis-  
sion.

By virtue of an order of the Generall Court, dated October, 1663, impowring vs to *to* drawe vp & deliuer a commission to yow. These are therefore to will & require you forthwith to take into your care & charge the Island Castle, & battery therevpon, commonly called Castle Island, w<sup>th</sup> all the great artillery, armes, & amunition belonging therevnto, & see that they be in a posture fitt for the service & defence of this jurisdiction & the authority thereof: yow are also to take charge of the garrison there as cap<sup>t</sup> thereof, and that such officers & souldjers as from tyme to time shall be sent vnto yow for yo<sup>r</sup> assistance be dilligent in attending the dutjes of their places, commanding them to obey yow as their captaine for the service aforesajd; and in case any shall attempt assault vpon yow, or the place committed to your trust, or, in passing by the Castle in ship, barcque, or boate, shall refuse to be vnder command, according to y<sup>e</sup> duty of your place, and for the better strengthening therevnto, yow are, vpon the approach of any vpon the coast or towards any the harbo<sup>r</sup> w<sup>th</sup>in the bay, w<sup>th</sup> shipping, to give timely notice by the vsuall signe of flag or flaggs, or such other signall as yow shall be appointed by your superio<sup>rs</sup>; and in case there be approach of aboue three shippes together, yow are to give timely alarum, as the lawe provideth. Yow are to observe & obey all such orders and directions as from time to tyme yow shall receive from the Generall Court, councill, mayo<sup>r</sup> generall, or committee of militia. Vntill the Court of Election next, this commission to be of force. Given vnder our hands at Boston, in New England, w<sup>th</sup> the seale of the collony affixed, this 9<sup>th</sup> March, 166 $\frac{3}{4}$ .

The Generall Court, assembled 27 May, 1664, did confirme & allow of the aboue granted comission for the time to come, & ordered the entring of the same, & deliury of the originall to y<sup>e</sup> cap<sup>t</sup> of y<sup>e</sup> Castle, & keeping y<sup>e</sup> copie on file.

1664.

27 May.

In ans<sup>r</sup> to the peti<sup>ō</sup>n of Henry Powning & Thomas Stocker, humbly desiring the favor of the Court to grant them a farme nere Stony Riuer, on Conecticot highway, &c, the Court sees no reason so to doe.

Ans<sup>r</sup> to Henry  
Pownings  
peti<sup>ō</sup>n.

The question being put, whither the major<sup>s</sup> company, in drawing vp the regiment, ought not to lead the vanne, in ans<sup>r</sup> whereto, the Court doeth order for time to come, y<sup>t</sup> if any major shall at any time be chosen, w<sup>ch</sup> hath no comānd of any foote company w<sup>th</sup>in that regement, then the se<sup>n</sup> company, according to lawe, title Millitary, shall leade, & all other companyes shall take place according to the seniority of their tounes.

Question mili-  
tary resolved.

\*In obedience to the grant of the honoured Generall Court, held at Boston, May 6<sup>th</sup>, 1657, lajd out & exactly measured vnto John Hajnes, Josiah Hajnes, of Sudbury, & Nathaniell Treadaway, of Water Toune, being by virtue of their purchase, the assignes of the execcuto<sup>r</sup>s of M<sup>r</sup> Increase Nowell, sometime of Charls Toune, deseased, as also by the order, advise, & assignement of the aforesajd execcuto<sup>r</sup>s, & by the appointment, order, & advice of M<sup>r</sup> Thomas Danforth, of Cambridge, the three thousand & two hundred acres of land granted vnto the abouesajd execcuto<sup>r</sup>s of the sajd Increase Nowell, deceased; the sajd land layd out in the west side of Marlborough bounds, beginning at the south end of a raskey pine plajne, and from thence runing a ljne vpon a south & by east point nearest hand two hundred poles, & from thence nearest hand vpon a west & by south point two hundred poles, and from thence nearest hand vpon a south & by east point one mile one hundred & sixteene poles, & from thence nearerst hand vpon a west & by south point two miles two hundred & twenty rods; ending the last ljne ncare the southend of a pond, called by the Indians Quansigamug Pond, and from thence a ljne vpon a north point fue degrees easterly one mile & halfe mile and fifty three poles, and from thence a ljne vpon a north & by east point nerest hand one hundred & fifty poles, and from thence a line vpon a north east point one hundred & twenty poles, and from thence a ljne vpon an east point two degrees, southerly two hundred seventy eight rods, and from thence a ljne vpon an east & by north point neerest hand two hundred thirty & two rods, and from thence vnto the place where wee began at the first two hundred

[\*443.]

3000 ac<sup>s</sup> land  
lajd out & con-  
firmed to Jn<sup>o</sup>,  
Josiah Haines,  
& Nath. Tread-  
away.

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rods w<sup>th</sup>in; all which l<sup>j</sup>nes abouesajd is conteyned three thousand & eighty acres of land. Also, layd out two islands at the southwest angle of the demised tract of the abouesajd three thousand & eighty acres, the sajd islands being at the southermost end of the abouesajd Quansigamug Pond, & are found to be neare one hundred acres of land, & endeth at the going out of Nipnapp Riuer out of the sajd pond. Also, layd out twenty acres of meadow on the south side of the sajd demised tract, being in two parcells; all which sajd two islands, and the sajd two peices of meadow added vnto the aforesajd three thousand & eighty acres of land, maketh vp the full complement of the sajd three thousand & two hundred acres of land. Humbly intreating that this honoured Court willbe pleased to passe this returne, and also that this honnored Court will be pleased to state & confirme this land vnto vs vnder-written, according to our purchase of the execcutors abouesajd, wee, praying for yow, subscribe ourselves,

Yo<sup>r</sup> hono<sup>r</sup>s most devoted to loue & serve yow,

JN<sup>o</sup> HAINES,

JOSIAH HAINES,

NATHANIEL TREADAWAY.

The Court, on pervsall of this returne, doe allow & pproue thereof.

Yorks associ-  
ates power as  
at first.

Vpon the quæstion, whither the associates for the county of Yorke haue the same magistratticall power, for the time being, as was conferred vpon those that were nominated in their first constitution & establishment by this Court, w<sup>th</sup> power to take acknowledgment of deeds, administer oathes in ciuill or criminall causes, joyne persons in marriage, &c, the Court resolved y<sup>s</sup> question on the affirmative.

[\*444.]

1000 acres of  
land lajd out  
to Major Gen.  
Leueritt.

\*Lajd out to Majo<sup>r</sup> Generall Leueret one thousand acres of land, more or lesse, in the wilderness on the north of Merremacke Riuer, begiñing at the north east end of a litle pond, called by the Indians Assamuckcommesicke. It runes from thence east & by north fife hundred forty & two pole vnto the top of a bare hill, where it is bounded by a heape of rocks, a blacke oake standing behind it, marked w<sup>th</sup> L; from thence it runes half a point westerly of the north three hundred & five pole vnto a litle white oake standing by a swampe side, a great tree standing in each l<sup>j</sup>ne at a litle distance, marked with L; the other two l<sup>j</sup>nes are parrallels w<sup>th</sup> the two former, & of the same length; the northwest angle is a pillar of stones; the wilderness land surrounds the whole

farme. The forme of this farme appeares & is more fully demonstrated by a  
 plott taken of y<sup>e</sup> same

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27 May.

By JONATHAN DANFORTH, Surveyor.

The Court allowes & approoves of this returne.

The Court, having perved the returne of those gen<sup>tn</sup> appointed by the  
 Generall Court in October last to take the accounts of the colledg treasurer,  
 & to consider of the estate of the colledge in other respects, &c, doe thank-  
 fully accept their labo<sup>rs</sup> therein, and doe allow & grant their proposalls  
 contejned in the first & second section of their returne, w<sup>ch</sup> is on file; and  
 doe also order the treasurer to lay out the sixe hundred acres of land had of  
 M<sup>r</sup> Ward, & improove the same, or make sale thereof, as he shall judge best  
 for the colledge bennefit.

Returne of  
 treas<sup>r</sup> of y<sup>e</sup> col  
 ledg acco<sup>ts</sup>, &  
 Courts accept.  
 thereof, &c.

And the third & fowerth section of their returne to be further considered  
 of at the next sessions of this Court.

In ans<sup>r</sup> to the petition of Margery Colebron, widdow, humbly desiring  
 this Courts favour to confirme her deede (made of certaine lands w<sup>ch</sup> hir late  
 husband sold to Henry Phillips, of Boston, butcher, & received full sattisfac-  
 tion for) to sajd Henry Phillips, some objection being made against the  
 bounds of the land mentioned in the deede, the Court sees not meete to con-  
 sent to y<sup>e</sup> confirming thereof; but so farr as the sajd deed intends the land that  
 of right appertejned to the granto<sup>r</sup>, M<sup>r</sup> W<sup>m</sup> Colebron, deceased, this Court  
 doeth allow of & confirme it, standing recorded in the booke of records for  
 deeds for Suffolke.

Ans<sup>r</sup> to Mar-  
 gery Colbrons  
 peti<sup>ti</sup>on, con-  
 firming hir sale  
 to Henry Phil-  
 lips.

In ans<sup>r</sup> to the petition of the Pecquot Indians that liue at Paucatucke,  
 under the gouernment of Hermon Garret, in pursuance of a grant of land to  
 the sajd Indians by this Court, bearing date the 7<sup>th</sup> of May, 1662, & an order  
 of the comissioners for the Vnited Colonjes, dated 14<sup>th</sup> September, 1663, nei-  
 ther of which hath beene yett fullfilled, which hath reflected much dishonor  
 to this Court & trouble to the sajd Indians, this Court doeth appoint Cap<sup>t</sup>  
 Daniel Gookin, Cap<sup>t</sup> George Dennison, & M<sup>r</sup> Roger Plaisted, or any two of  
 them, forthwith to lay out vnto the sajd Indians, at a place called Causatick,  
 in the Pecquod country, & parts adjacent, such a convenient quantity of land  
 as maybe for the accomodations of the sajd Indians, provided it be not lesse  
 then two thousand acres, & to setle & bound the same vnto them for them &  
 their heires for euer, w<sup>ch</sup> land, nor any parte thereof, the sajd Indians shall not  
 sell or alljenate w<sup>th</sup>out the speciall leaue of this Court or the comissioners.

Comittee to  
 lay out y<sup>e</sup> Pec-  
 quot lands.

After the Court had heard the differences betweene Topsfeild & Salem,

29 May.

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29 May.  
Courts resolve  
on Topsfeild &  
Salems case.

in relation to the lĳne of sixe miles already runne, it is resolved, on the question whither the agreement betweene Salem & Topsfeild, dated 25<sup>th</sup> of March, 1659, brought into this Court, be binding or not, the Court resolved this quæst<sup>n</sup> in the affirmative, & ordered, that the charge of running the lĳne be æqually borne by both tounes concerned, as is exprest in the last order of Court, May, 1662. Y<sup>e</sup> agreem<sup>t</sup> followes:—

[\*445.]

\*The 25<sup>th</sup> March, 1659.

Salem & Tops-  
feild agree-  
ment.

Wee, whose names are vnderwritten, being chosen & impowred by the inhabitants of Salem & Topsfeild to runne the sixe miles extent, & also the divitionall lĳne betweene the two tounes, haue thus agreed and determined, namely: that wee haue runne the sixe miles extent vpon the northwest & by north, w<sup>ch</sup> ends in the edge of a swampe of Jn<sup>o</sup> Putmans, called the Great Ashing Swamp, next vnto a hill co<sup>m</sup>only called by the name of Walnuttree-hill, nere vnto Perrjes wigwam, & from thence haue thus farr agreed vpon the divitionall lĳne which runns southwest westerly to the riuer side, co<sup>m</sup>only called by the name of Ipswich Riuer, where wee marked trees by a rocke towards the east, & a necke of land, co<sup>m</sup>only called Cromwells Neck, westwardly of the sajd trees marked, & from thence southwest one mile & a quarter, & so on according to the rule that M<sup>r</sup> Joseph Gardiner runne the afore-sajd diuissionall lĳne, & from the sixe miles extent towards the north east quarterly, as it is bounded & marked, one mile & a quarter, ending at a swampe by a hill called Smiths Hill, and from thence towards the east north east, ending vpon a hill nere Wenham Causey, & so towards the east & by north one hundred rodde, ending at Wenham meadow side.

THO: PUTMAN,  
JOSEPH HUTCHINSON,  
NATHANIEL PUTMAN,  
ABRAHAM REDDINGTON,  
JOHN REDDINGTON,  
JOHN WILD,  
WILLJAM <sup>marke</sup> W EVENS.

Southerly line  
betwixt Plim-  
outh & Massa-  
chusetts settled  
& recorded.  
See pa. 704.

Whereas the Generall Courts of the colonys of Massachusetts & New-plimouth, in New England, did (in order to the settlement of the bound lĳne betwixt the sajd colonjes, that is, so much thereof as is hitherto vndetermined) order, depute, & impower vs, whose names are herevnto subscribed for the effecting thereof, as by that act of theirs recorded in the reccords of the respective Court in each colony may more fully appeare, wee, the persons so

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29 May.

intrusted and impowred, in pursuance of the service aforesajd, being all assembled at Dedham the 9<sup>th</sup> of the 3<sup>d</sup> moneth, comonly called May, anno 1664, did the day next ensuing trauaile together into the woods for the discouery of the southermost part of Charls Riuer, which hauing found out, partly by our oune vejw, & partly by y<sup>e</sup> sattisfying report of them p<sup>s</sup>ent with vs, (that had labored therein,) wee all mutually agreed vpon the first station. Hauing measured three miles southerly of the southermost part of the saj<sup>d</sup> riuer, wee marked a tree, and from thence a west line to Neetmock Riuer, which, by estimation, wee judged to be about fiue miles, in w<sup>ch</sup> ljne wee went on the north side of a great pond, ouer a smale parcell of course meadow, & on the southerly of which pond is an Indjan plantation by them called Seenecheconet, & at the saj<sup>d</sup> Neetmock Riuer wee marked a black oake tree on fower sides, viz<sup>t</sup>, w<sup>th</sup> a ML on the north side & a (P) on the south side, and seuerall letters vnder each of them, & on the east wee sett in figures the date of the present yeare. This tree so marked standeth on the side of an hill, ouer against w<sup>ch</sup> ljeth, on the west side of the riuer, the north end of a parcell of course meadow; & hauing marked diuers trees in this ljne, from thence wee came backe about three miles & a halfe past the tree first mentioned to that station, w<sup>ch</sup> is the east of this west ljne, where wee markt a white oake, in a plajne full of trees, in the same manner wee had markt the tree by the riuer aforesajd, at w<sup>ch</sup> place wee made an angle, & begann an east northeast ljne to come to Accord Pond, in ffollowing of w<sup>ch</sup> we were cast more then halfe a mile to the southward of the midle of the saj<sup>d</sup> pond, (the bounds formerly settled,) for the rectifying whereof, wee hauing found the midle of the saj<sup>d</sup> pond, wee marked there a black oake tree, as the trees formerly mentioned, w<sup>th</sup> letters and the date of the yeare, & so returned west southwest, southerly by marked trees, in that ljne vp to a ffoote path that goeth from Weimouth to Bridgwater, on each side of w<sup>ch</sup> path, in the ljne, wee erected a heape of stones, & so thence to a maple tree by a swamp side that brancheth to the north, & at a cart way that goeth from Braintree to Bridgwater; \*wee ended that ljne at a heape of stones on the west side of the path, and a great marked stake on the east; ffynally, wee agreed that the ljne stretched from Accord Pond vpon such a course, and so marked, and so, as abouesajd, to the white oake angle tree before mentioned; and from that oake westerly to Neetmocke Ryuer, as is before described, is & shall be accomted and reputed the true and settled bound ljne betwixt the colonjes of the Massachusets and New Pljmouth, and that the ljne by vs first draune and marked from the saj<sup>d</sup> angle tree to Accord Pond shall not be vnderstood to be the ljne of diuission, it being wholly w<sup>th</sup>in Pljmouth lands. The length of the whole ljne is by estimation,

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as wee judged, about forty ||40|| miles, according to the līne before expressed ;  
vnto all w<sup>ch</sup> wee, the parties respectively entrusted and empowred, doe each &  
euery of us, mutually agree, concurr, and doe hereby declare it to be our full  
conclusion & fynall determination concerning the premises. In witnes where-  
of wee haue heerevnto set our hands & seales, y<sup>e</sup> 17 of 3 m̄, 1664.

ROBERT STUDSON, & a seale,  
CONSTANT SOUTHWORTH, & a seale,  
JOS: WINSLOW, & a seale,  
JOSHUA FISHER, & a seale,  
ROG<sup>R</sup> CLAP, & a seale,  
ELEA: LUSHER, & a seale.

This was read in full Court, May 29, 1664, as attests

EDWARD RAWSON, Secre<sup>t</sup>.

This is recorded, word for word agreeing w<sup>th</sup> the originall, in the reccords  
of y<sup>e</sup> Court. Attests

EDW: RAWSON, Secre<sup>t</sup>.

3 August. *Att a Generall Court, called by the Gow<sup>r</sup> & Councill, & held at  
Boston, 3<sup>d</sup> August, 1664.*

PRESENT, Rī Bellingham, Esq <sup>r</sup> , Dep <sup>t</sup> Go <sup>v</sup> ,	} Esq <sup>rs</sup> .
Symon Broadstreet,	
Sam <sup>l</sup> Symonds,	
Francis Willoughby,	
Daniel Gookin,	
Daniell Dennison,	
Symon Willard,	
Rich Russell,	
Thō Danforth,	
W <sup>m</sup> Hawthorne,	}
Eliazer Lusher,	

Here followes y<sup>e</sup> names of the deputjes returned, y<sup>t</sup> served at this  
Court : —

Capt Thō Lathrop, M<sup>r</sup> Edmond Batter, Salem

1664.

3 August

Cap<sup>t</sup> Fran<sup>c</sup> Norton, Lef<sup>t</sup> R<sup>i</sup> Sprauge, Charls T.  
 Cap<sup>t</sup> Roger Clap, Lef<sup>t</sup> Hopestill Foster, Dorch.  
 Maj<sup>r</sup> Ge<sup>n</sup> Jn<sup>o</sup> Leueret, Cap<sup>t</sup> Th<sup>o</sup> Clarke, Boston.  
 M<sup>r</sup> W<sup>m</sup> Parks, Lef<sup>t</sup> Griffin Crafts, Roxbury.  
 Cap<sup>t</sup> Hugh Mason, Lef<sup>t</sup> Rich Beers, Water Toū.  
 Ensigne Jn<sup>o</sup> Fuller, Lynn.  
 M<sup>r</sup> Edw Collins, Lef<sup>t</sup> Edw Winship, Cam<sup>b</sup>.  
 Cap<sup>t</sup> Jn<sup>o</sup> Apleton, M<sup>r</sup> Georg Gittings, Ipsw<sup>th</sup>.  
 Lef<sup>t</sup> Jn<sup>o</sup> Holbrooke, Weimouth.  
 S<sup>r</sup> Jn<sup>o</sup> Levitt, Hingham.  
 Cap<sup>t</sup> Timothy Wheeler, Concord.  
 Ensign Daniel Fisher, Ded.  
 M<sup>r</sup> Je<sup>r</sup> Houchin, Salis<sup>b</sup>.  
 M<sup>r</sup> Samuell Dalton, Hamp<sup>t</sup>.  
 M<sup>r</sup> Sa<sup>m</sup> Basse, Brain<sup>t</sup>.  
 Cap<sup>t</sup> Edw Johnson, Wooborn.  
 Cap<sup>t</sup> Jn<sup>o</sup> Pinchon, Springfeild.  
 M<sup>r</sup> Ralph Wheelock, Mead<sup>f</sup>.  
 M<sup>r</sup> Maxim<sup>i</sup>t Jewet, John Todd, Rowley.  
 Ensigne Th<sup>o</sup> Noyes, Sudbu<sup>r</sup>.  
 M<sup>r</sup> Georg Broune, Hav<sup>r</sup>.  
 Lef<sup>t</sup> Jn<sup>o</sup> Phillips, Saco.  
 Ens<sup>i</sup> Th<sup>o</sup> Houlet, Top<sup>s</sup>.  
 Lef<sup>t</sup> W<sup>m</sup> French, Billir<sup>r</sup>.  
 M<sup>r</sup> W<sup>m</sup> Holton, Lef<sup>t</sup> W<sup>m</sup> Clark, Northamp<sup>t</sup>.  
 M<sup>r</sup> Sa<sup>m</sup> Smith, M<sup>r</sup> Jn<sup>o</sup> White, Hadly.  
 Ens<sup>i</sup> Jn<sup>o</sup> Euered, Chelms<sup>f</sup>.

**A**TT this Court his majestjes gracious letter, brought by the honorable Col<sup>t</sup> Rich Nichols & Col<sup>t</sup> George Cartwright, & by them presented to the honored Go<sup>v</sup>no<sup>r</sup> & councill, was read & took into due consideration. It beares date the ˆ of Aprill, 1664, & together w<sup>th</sup> one of his majestjes instructions to the honno<sup>ble</sup> Collonell Rich Nicholls & Col<sup>t</sup> George Cartwright, w<sup>th</sup> other of his ho<sup>n</sup>ble co<sup>m</sup>issioner, w<sup>th</sup> their desire of some souldjers to be rayased in this jurisdiction for his maj<sup>ty</sup>s service, in the present designe for the reducing of the Dutch at the Monhatoes to his majesties obedience, &c.

In ans<sup>r</sup> to that part of his maj<sup>ty</sup>s letter of June 28<sup>th</sup>, 1662, concerning admission of freemen, this Court doeth declares, that the lawe prohibiting all persons except members of churches, & that also for allowance of them in any

1664.

3 August

County Courts, are hereby repealed ; and doe heereby also order & enact, that from henceforth all Englishmen presenting a cirtifficat, vnder the hands of the ministers or minister of the place where they dwell, that they are orthodox in religion, & not vitious in theire liues, & also a certifficat, vnder the hands of the selectmen of the place, or of the major part of them, that they are freeholders, & are for their oune proper estate (w<sup>th</sup>out heads of p<sup>ersons</sup>) rateable to the country in a single country rate, after the vsuall manner of valluation, in the place where they liue, to the full value of tenne shillings, or that they are in full com<sup>union</sup> w<sup>th</sup> some church amongst vs, it shallbe in the liberty of all & euery such person or persons, being twenty fower yeares of age, householders and setled inhabitants in this iurisdic<sup>tion</sup>, from tyme to tyme, to present themselves & their desires to this Court for their admittance to the freedome of this com<sup>on</sup>wealth, and shallbe allowed the pri<sup>u</sup>ledge to haue such their desire propounded & put to vote in the Generall Court for acceptance to the freedome of the body polliticke by the sufferage of the major p<sup>ar</sup>te, according to the rules of our pattent.

Itt is ordered, that an humble & affectionate petition should be, in convenient time, presented to his maj<sup>ty</sup> for his favour in the continuance of our pattent pri<sup>u</sup>ledges, his majestys gracious expressions in his last, as well as in former letters, giving vs much encouragement therevnto.

This Court doeth expresse & declare, that it is their resolution, God asisting, to beare faith & true alleagiance to his majestye, to adhere to their pattent, (the dutjes & pri<sup>u</sup>ledges thereof,) so dearely obteyned & so long enjoyed by vndoubted right in the sight of God & men.

[\*447.]

Day of humil-  
liation.

\*This Court, being sencible of the Lords frounes vpon vs in taking away the fruites of the earth in so great a measure as appeares in the present harvest, accompanied w<sup>th</sup> many tokens of his displeasure in sundry other respects, justly occasioning such as are serious to haue many sad thoughts of heart, least that his anger should be further kindled against his people in this place, & by our sinns be provoked to w<sup>th</sup>drawe his shepheardly care from ouer his churches & people, the losse whereof will be the greatest of all miserjes that can befall vs, also considering that it is an hower of sad trjall to the people of God in other places, doe therefore com<sup>end</sup> to all the people of this jurisdiction the first of the next moneth to be kept a solemne day of humilliation, & spent in fasting & prajer, for the humbling of ourselves before the Lord, for all & whateuer his pure eyes doe see amisse amongst vs, & leaving his free pardon thereof in the blood & merri<sup>ts</sup> of the Lord Jesus Christ, that his favorable presenc may yet be w<sup>th</sup> vs, & his speciall blessing accompanying his oune ordinances & providences, so as that they may be effectuell for cleansing vs from all that

is provoaking to his jealous eyes, & that in such difficultjes vnder w<sup>ch</sup> the country hath or doe labor, hee may please to giue his people one heart & one way, for his oune honno<sup>r</sup> & the good of vs, & ours after vs, and himselfe may still delight in vs to establish his couenant w<sup>th</sup> vs, to be our God & the God of ours after vs in their generation.

1664.

3 August.

Whereas this Court hath passed an order for making a humble addresse & petition to his majesty for the contjnuance of our priuiledges granted by charter, it is ordered, that M<sup>r</sup> Francis Willoughby, Majo<sup>r</sup> Generall Jn<sup>o</sup> Leueret, & M<sup>r</sup> Jonathan Michell be a co<sup>m</sup>ittee to prepare & draue vp a petition, filled w<sup>th</sup> such rationall arguments they can finde to the end aforesajd, & present it to this Court for their approbation.

Co<sup>m</sup>ittee ab<sup>t</sup>  
an addresse.

The Court judgeth it meete, in the weighty affaires now before them in refference to his majesties letter, co<sup>m</sup>ission, & propposition made, to desire the reuerend elders now in toune to afford this Court their best advice forthwith therevpon.

Courts desire  
of elders ad-  
vice.

In pursuance of two orders of the Generall Court of the Massachusetts, bearing date May 7<sup>th</sup>, 1662, & May 18, 1664, as also an order of the co<sup>m</sup>issioners of the Vnited Colonjes, bearing date 14<sup>th</sup> September, 1663, for the granting & laying out lands for the Pecquot Indians that liue vnder Harmon Garret, aljas Cashawasset, wee, whose names are vnderwritten, being therevnto appointed, doe lay out vnto the sajd Harman Garret, & the Pecquoit Indians aforesajd that now liue on the east side of Paucatucke Riuer, two thousand acres of land in the Pecquot country, at a place called Coosatuck, running two miles square, including the hill of Cawsatuck, on the southerly side thereof, being marked out & bounded w<sup>th</sup> markt trees, and a smale brooke on the west side. Witnes our hands the 16 June, 1664.

2000 ac<sup>s</sup> lajd  
out to Harmon  
Garret, &c.

DANIEL GOOKIN,  
DANIEL DENNISON.

The Court doe allow & approove hereof.

There having binn seuerall persons who haue binn lately implojed at the Castle & vpon other publick service, by order from the majo<sup>r</sup> generall, that due satisfaction may be made to all such, it is ordered, that the country Treasurer dischardge & pay all such bills as shall be presented, being signed by the majo<sup>r</sup> generall, provided y<sup>e</sup> Tresurer allow of the account.

Treasure to  
discharge bills  
by y<sup>e</sup> m<sup>r</sup> gen.  
signed, &c.

The quaestion being put, whither this Court will send any supply of men to asist his majesties forces against the Dutch in the present designe, the Court resolved it on the affirmatiue.

Asistance ag<sup>t</sup>  
the Dutch.

1664.

3 August.  
Order for 200  
volunteers.

It is ordered, that there shall be voluntary souldjers rayesd in this jurisdiction for his majesties service ag<sup>t</sup> the Dutch, not exceeding the number of two hundred, to be ready to march by the 20<sup>th</sup> of y<sup>s</sup> instant; the chardge at present to be disbursed by the country Treasurer, but the full determination thereof to be left till oppertunity may be had to conferr w<sup>th</sup> his majesties hono<sup>r</sup>ble co<sup>m</sup>missioners about the same.

[\*448.]

Co<sup>m</sup>mittee to  
repajre to the  
prison.

\*In ans<sup>r</sup> to the petition of W<sup>m</sup> Salter, keeper of Boston prison, M<sup>r</sup> Edward Tyng & M<sup>r</sup> Anthony Stoddard are by this Court appointed & impowred a co<sup>m</sup>mittee for the repajring of the prison in Boston, who are to take care that the same be effectually donne as soone as possibly it may be atteyned; the one halfe of the chardges there on expended to be dischardged by the Treasurer of the country, & the other by the Treasurer of the county of Suffolke.

Officers of y<sup>e</sup>  
horse to be of  
co<sup>m</sup>mittee of  
militia.

Whereas in the lawe booke, title Millitary, sect<sup>7</sup> 11, the three cheife millitary officers in each toune, except Boston, together w<sup>th</sup> the magistrates or deputjes thereof, are appointed a co<sup>m</sup>mittee of militja for such tounes, w<sup>th</sup>out mentioning the officers of horse, to be of the said co<sup>m</sup>mittee, this Court doeth declare, that the co<sup>m</sup>mission officers of horse in the tounes where they dwell shall be added thereto, & hereby are appointed & impowred to be of the co<sup>m</sup>mittee of militia for such tounes where they dwell, any lawe or custome to the contrary notwithstanding.

The Generall Court of the Massachusetts Col<sup>t</sup> to y<sup>e</sup> Magis<sup>ts</sup> & cheiff officers of horse & foote in Boston, Charls Toune, Salem, & Ipswich.

Mutatis mutandis.

Commissions  
for co<sup>m</sup>mittees  
of militia in  
Boston, Charls  
Toune, Salem,  
& Ipswich.

Whereas yow are by lawe appointed the militia of Boston, yow are hereby required to take into your care & chardge the souldjery, great artillery, & fortifications w<sup>th</sup>in your toune, and precinct, & harbo<sup>r</sup>, & to see that the peace be kept; and in case any shall act vpon the shoare or water, in ship, barcque, or boate, contrary to the peace & safety of the toune or country, yow are them to represe by force of armes or otherwise, and to doe all things that is requisite in your wisdom for the preservation of the peace of the country, and to co<sup>m</sup>mand all to asist yow therein, who are hereby required to yeild their obedience to yow; & yow are from time to time to observe all orders yow shall receive from the Generall Court, councill of the collony, or major generall. And ordered the marshall generall to call for them to y<sup>e</sup> secretary w<sup>th</sup>in fower dajes after the Court is risen, & deliuer them accordingly.

2: 6 mo., 1664.  
Cap<sup>t</sup> Hugh  
Mason & Cap<sup>t</sup>  
W<sup>m</sup> Hudson  
co<sup>m</sup>mand<sup>ts</sup> in  
cheife.

In pursuance of his majesties designe against the Dutch at the Monhatoes, it is ordered, that Cap<sup>t</sup> Hugh Mason & Cap<sup>t</sup> W<sup>m</sup> Hudson be the cheife

cōmanders ouer such forces as shallbe rased in this jurisdiction in that service, & that Ensigne Thomas Noyse & Ensigne John Thaxter be their leiftenāts.

1664.

8 August.

The Court judgeth it meet to allow some meete person to dispense the word of God to such as are intended for this expedition, & desire the honored M<sup>r</sup> Willoughby & M<sup>r</sup> Russell would treat w<sup>th</sup> M<sup>r</sup> Graues thereabout, & if he be not to be obteyned, it is then left to the cheife officers to procure some other, who is to haue meete allowance for y<sup>e</sup> same. And further, it is ordered, that they shallbe allowed an able chirurgeon, such as they can get, furnished w<sup>th</sup> all things necessary for such service, & to haue meete allowance for the same.

Minister & chirurgeon for y<sup>e</sup> Dutch designe.  
8: 6: 64.

The Generall Court of the Massachusetts to our louing freinds Cap<sup>t</sup> Hugh Mason & Cap<sup>t</sup> W<sup>m</sup> Hudson.

Cōmissions for Cap<sup>t</sup> Mason & Cap<sup>t</sup> Hudson.  
8: 6: 64.

Whereas yow & each of yow are chosen & appointed cōmanders in cheife in refference to y<sup>e</sup> forces now to be rased, (of voluntary souldjers,) not exceeding two hundred, to asist in his majesties service in the reducing the Monhatoes, as by an order of y<sup>e</sup> Geñll Court may appeare, these are in his majesties name to cōmissionate & empower yow forthw<sup>th</sup> to endeavor the service aforesajd, and to that end yow may or shall, by beate of drume or drummes in each of the tounes & plantations w<sup>th</sup>in this jurisdiction of the Massachusetts, proclajme & publish this your power and cōmission; & leave vnder yo<sup>r</sup> cōmand & conduct all such persons as shall willingly lyst themselves for that service, and also to nominate, appoint, & empower all inferio<sup>r</sup> officers necessary for that seruice, and them to order, cōmand, and prepare, so that they, with yourselves, may be ready vpon their march by the twentieth instant.

In answer to the motion & request of M<sup>r</sup> Thomas Broughton, humbly craiving this Courts favo<sup>r</sup> that they may haue liberty to come to the publicke ordinances on the Lords days & at other times, & y<sup>t</sup> his confinement maybe to some other place, w<sup>th</sup> M<sup>r</sup> Chickleys consent, the Courte grants his request for his attendance on public worship, so he be secured by the keeper, & his credito<sup>r</sup> thereby not defrauded; also for his enlargment, so it be w<sup>th</sup> his credito<sup>rs</sup> consent.

Court grant of liberty to M<sup>r</sup> Broughton to goe to publick worp, &c.

\*For the better carrying on of the present affaire referring to the setting out of such as shall offer themselves for his majesties service, it is ordered, that the country Treasurer take care to make supply of all such things as are

[\*449.]

Country Treasurer to provide for y<sup>e</sup> soul-djery.

1664. necessary for the ends aboue mentioned, provided it exceede not fue hundred pounds.

8 August.

Instructions.

The Generall Court of the Massachusetts to Cap<sup>t</sup> Hugh Mason & Cap<sup>t</sup> W<sup>m</sup> Hudson.

1. Yow are forthwith, by beate of drumme, & all other good & lawfull meanes, to rajse souldiers, armed, not exceeding two hundred, being such as shall willingly lyst themselves vnder yo<sup>r</sup> comānd, for his majesties service in reducing the Monhatoes, & free from all legall engagements.

2. Yow shall comānd, order, & discipline those souldjers into two companjes, in due & convenient time to march; yow shall keepe them in due order, that violenc or wrong be by them offered to none, either in their quarters or march.

3. These souldjers abouesajd yow shall in due manner lead & conduct to his majesties hono<sup>ble</sup> comissioners at or neere the Monhatoes, and attend such orders in his majesties service as by their appointment yow shall receive for the space of six weekes after yo<sup>r</sup> arriual there, in case his maj<sup>ty</sup>s service for the reducing the Monhatoes require it so long.

4. The abouesajd time of sixe weekes being expired or his maj<sup>ty</sup>s service in reducing the Monhatoes, before the expiration thereof being accomplished, yow shall mooue for yo<sup>r</sup> pay of such arrears as shall then be due to yow, & returne home w<sup>th</sup> yo<sup>r</sup> souldjers w<sup>thout</sup> further delay, valesse in the meane time yow shall receiue order from the Gouverno<sup>r</sup> & councill of this collony for yo<sup>r</sup> longer continuance, & on yo<sup>r</sup> ariual backe yow shall imēdiately disband yo<sup>r</sup> soldjers.

5. In case yourselues & souldjers be not payd by his majestjes comissioners, yow shall bring in yo<sup>r</sup> accounts to the Treasurer of the country, who is to sattisfy the same.

Warrant to  
raise volun-  
teers.

9: 6: 64.

To all sarjants, corporalls, & drummes in the respectiue companjes w<sup>thin</sup> this jurisdiction. Yow & euery of yow are hereby required, in his majestjes name, vpon the request & desire of Cap<sup>t</sup> Hugh Mason, or Cap<sup>t</sup> Willjam Hudson, or either of their officers, to asist them to publish such proclamation w<sup>thin</sup> yo<sup>r</sup> toune as they shall comūnicate to yow for the raysing of voluntary souldjers for the service of his maj<sup>ty</sup>e against the Dutch at Monahatoes, & to returne to them a list of the names of such as offer themselues willingly to that service; hereof yow & euery of yow are not to faile.

1664.

The Generall Court of the Massachusetts collony in New England to Hugh  
Mason, Captaine.

9 August.

Wee doe hereby constitute & appointe yow captaine of a ffoote company to be rased in this jurisdiction, as volunteers, by beate of drum, for the asistance of the honor<sup>ble</sup> Colonel Rich Nichols, S<sup>r</sup> Robert Carr, &c, his majestjes co<sup>m</sup>missioners, in reducing the Dutch at the Monhatoes vnto the obedjence of his majestje. These are therefore to will & require yow forthw<sup>th</sup> to attend that service, in raysing of an hundred men for souldjers, & they being rayzed, yow are to take the charge of them as their captajnes, & dilligently to intend that service, and excercise your inferio<sup>r</sup> officers & souldjers in armes, co<sup>m</sup>manding them to obey yow as their captaine for the service aforesajd, & yow to obey such orders, directions, & instructions as yow shall receive from time to tyme from this Court & the honor<sup>ble</sup> co<sup>m</sup>missioners, according to the discipline of warr. Giuen vnder the hand of the Gouverno<sup>r</sup> & secretary, w<sup>th</sup> the seale of the colony affixed, the 9<sup>th</sup> August, 1664.

Co<sup>m</sup>mission for  
Cap<sup>t</sup> Mason &  
Cap<sup>t</sup> Hudson  
alike to leiften  
a<sup>s</sup>, &c, muta-  
tis et mutandis.

Itt is ordered by this Court, that the Treasurer procure to the value of one hundred pounds in ready money vpon the best termes he can, & that he be allowed for the same, both for tyme & difference, in spetie; and the sajd money to deliuer to the co<sup>m</sup>mand<sup>r</sup>s in cheife for the purchasing of what is necessary, & furnishing both themselves & their souldjers w<sup>th</sup> such things as cannot otherwise be obteyned.

Treasurer to  
provide & rayse  
100<sup>li</sup> for com<sup>d</sup>rs  
in cheife, &c.

The Court, having sent for M<sup>r</sup> Jacob Greene, of Charls Toune, to be a co<sup>m</sup>missary for this present service, & finding his readynes to serve his maj<sup>ty</sup> in that imploy, doe hereby order & appoint the sajd Jacob Grene for a supply of that place, for w<sup>ch</sup> he is to haue due allowance.

Jacob Greene  
co<sup>m</sup>missary.

\*In ans<sup>r</sup> to seuerall proposalls of the co<sup>m</sup>manders in cheiffe, who are now to attend his majestjes service, in refference to their instructions, —

[\*450.]

1. Whither such souldjers as appeare w<sup>th</sup>out armes shall be refused;
2. What are legall engagements, &c, —

Courts re-  
solves to  
co<sup>m</sup>mand<sup>r</sup>s  
questions.

The Court declares, that such as want armes be furnished in parte of their wages, & not at the charge of the country; otherwise, that such as are apprentizes, servants, or sonnes vnder the go<sup>v</sup>nm<sup>t</sup> of their parents, are legally engaged, and such others as are vnder any legall restrajnt.

And that a letter of reco<sup>m</sup>endation of the gent<sup>n</sup> to the hon<sup>ble</sup> co<sup>m</sup>missioners, according to their quallity & trust co<sup>m</sup>mitted to them, be sent, &c.

Cap<sup>t</sup> Clarke &  
Cap<sup>t</sup> Pinchon  
messengers to  
y<sup>e</sup> hon<sup>ble</sup> co<sup>m</sup>mis-  
sio<sup>r</sup>s.

Itt is ordered by this Court & the authority thereof, that Cap<sup>t</sup> Thomas Clarke & Cap<sup>t</sup> Jn<sup>o</sup> Pinchon doe speedily repaire to the hon<sup>ble</sup> Collonell

1664. Richard Nichols & Colonell George Cartwright, & other his maj<sup>ties</sup> com<sup>mission</sup>ers, at their randevous, as messengers from this Court.

9 August.

Letters to y<sup>e</sup>  
hon<sup>ble</sup> com<sup>mis</sup>-  
sio<sup>rs</sup>.

Hono<sup>ble</sup> Gent<sup>n</sup> : —

Wee haue sent the bearers hereof, Cap<sup>t</sup> Thomas Clarke & Cap<sup>t</sup> Jn<sup>o</sup> Pinchon, as our messengers to acquaint yow w<sup>th</sup> the motions of this Court concerning yo<sup>r</sup> propposition left for raysing & sending souldjers for his majesties service in reducing the Dutch at Monhatoes, whom wee pray to credit in all things they are instructed to com<sup>mun</sup>icate vnto yow, and to dispatch them back w<sup>th</sup> all convenient speed. So, w<sup>th</sup> our due respects presented, we remaine

Your loving freinds,

EDW: RAWSON, Secre<sup>t</sup>, in y<sup>e</sup> name & by order, &c.

Instructions  
for Cap<sup>t</sup>  
Clarke, & c.

Instructions for the sajd gent<sup>n</sup>, Cap<sup>t</sup> Th<sup>o</sup> Clarke & Cap<sup>t</sup> Jn<sup>o</sup> Pinchon.

First, yow are to present the respects of this Court to his maj<sup>ties</sup> com<sup>mission</sup>ers, & informe them that the Generall Court mett according to appointment the third instant, and in answer to the propposition left w<sup>th</sup> them touching raysing forces, haue ordered & com<sup>mission</sup>ed two captaines, i. e., Cap<sup>t</sup> Hugh Mason & Cap<sup>t</sup> Willjam Hudson, forthwith to rayse two hundred souldjers as volunteers for that service, to be vpon their march by the tyme appointed, which worke the sajd officers are prosecuting.

2<sup>ly</sup>. That this Court hath ordered taking vp provisions, armes, & other necessaries for the furnishing of the sajd souldjers, in expectation & confidence that his majestys com<sup>mission</sup>ers will reimburse the same.

3. Lastly, that yow speedily returne or acquaint the Gouverno<sup>r</sup> or councill w<sup>th</sup> his majesties com<sup>mission</sup>ers resentment.

Additional instructions to Cap<sup>t</sup> Th<sup>o</sup> Clarke & Cap<sup>t</sup> Jn<sup>o</sup> Pinchon.

That yow present to the hono<sup>ble</sup> com<sup>mission</sup>ers that wee desire their advice & order how the souldjers rayased amongst vs should haue their passage vnto them, & prouission made for them whilst they are there, and for the way of theire returne, the service being performed.

A priuat in-  
struc<sup>con</sup>.

Yow are, in case yow see that the action is in such a way as that there may be no neede of our men, to advise vs thereof; otherwise that yow perceive the honorable com<sup>mission</sup>ers insist vpon their march, yet may be taken of by the granting them asistance by prouissions to the value of five hundred pounds, & rather then fayle, to one thousand pounds, yow may ingage the same to them on the behalfe of this Court.

Honored friends & confederates :—

His majestjes service calling vs to send our beloued Cap<sup>t</sup> Thō Clark & Cap<sup>t</sup> Jn<sup>o</sup> Pinchon to attend his majestjes hono<sup>ble</sup> co<sup>m</sup>issioners at Long Island, or the Monhatoes, or elsewhere in the westerne part, & not knowing what occasions they may haue for the forwarding of them in their journey by horse or men, boate or vessell, as they shall see occasion to make vse of, wee desire yow to be helpfull to them therein, & wee shallbe ready at all tjmes to comply w<sup>th</sup> yow in the like, & remajne

Your loving friends & confederates.

EDW: RAWSON, Secre<sup>t</sup>, in the name & by order.

1664.

9 August.

Letter to confederats Connecticut & New Hauen, &c.

\*It is ordered, that Cap<sup>t</sup> Thomas Clarke & Cap<sup>t</sup> John Pinchon, or either of them, during their present imploy, shall & is hereby impowred to impresse either men or horses for their vse in this imploy in any part of this jurisdiction. [451.]

Cap<sup>t</sup> Clarks, &c, power to impresse, &c.

It is ordered, that the souldjers rayسد be not sent forth on their march vntill advice for the direction of them therein be sent from his majestjes co<sup>m</sup>issioners, or some returne made by our messengers sent to them for that end, any former order of this Court notw<sup>th</sup>standing. 10:6:64.

Time of souldjers march.

It is ordered by this Court & the authority thereof, that the pay for the co<sup>m</sup>on souldjers that doe lyst themselues as volunteers for his maj<sup>ty</sup>s service, against the Dutch, shall be eleven shillings p weeke, and whateuer prouission, cloathing, or armes they shall receiue from the co<sup>m</sup>issary shall be deducted out of their wages, at such indifferent prises as such things are co<sup>m</sup>only vallewied in the country. Souldjers recompenc.

This Court, hauing past sundry orders jnjoyning their Tresurer, M<sup>r</sup> Richard Russell, to disburse in money & goods to a considerable quantity, doe heereby, for his indemnity & encouragement, that no damage may come to the publick by the neglect thereof, declare & engage that, at the next meeting of the Generall Court, they will impouer him to levy so much of the country as shall be by him expended, w<sup>th</sup> full & meete allowance for all damages that he shall susteyne by difference of specie or laying out the same before he be imbursed againe. Treasurers security.

In pursuance of an order of this Court for raysing & furnishing two hundred volunteers for his maj<sup>ty</sup>s service against the Dutch, vnder the co<sup>m</sup>and of Cap<sup>t</sup> Hugh Mason & Cap<sup>t</sup> Willjam Hudson, it is ordered, that M<sup>r</sup> Francis Willoughby, M<sup>r</sup> Richard Russell, Edward Rawson, & M<sup>r</sup> W<sup>m</sup> Davis be a co<sup>m</sup>ittee of this Court, or any three of them, to remoove any obstruction that may impede the motion of the sajд souldjers, according to the sajд order, and Committee to further y<sup>e</sup> souldjers march, &c.

1664.

10 August.

Dep<sup>t</sup> Gou.  
assistance.

also to order & appoint the tyme when they shall beginn their march towards the Monhatoes, & what euer they shall doe in the premisses this Court doeth rattiffy & allow.

It is ordered by this Court & authority thereof, that the Dep<sup>ty</sup> Go<sup>vr</sup> be allowed a man or two to wayte vpon him, such as himself shall choose; and the Treasurer of the country is to sattisfy his bill to him or his order, though his expenses in y<sup>e</sup> case & behalfe should exceed tenn pounds.

Keepers allow-  
ance for Cap<sup>t</sup>  
Douglas im-  
personm<sup>t</sup>.

It is ordered, that the prison keeper be payd the prison fees, & be allowed for the diet of Cap<sup>t</sup> Douglass, &c, as by lawe is here established, & that it be payd by the gent<sup>l</sup> betruste w<sup>th</sup> the Blew Doue & the goods belonging to hir.

Whereas a ship coming from Jamaica into Piscataq Riuer, Cap<sup>t</sup> Jn<sup>o</sup> Douglas comāder, on pretence of wood & water, on whose arriuall, together w<sup>th</sup> the behaiour of the said John Douglas & his company, complaints on publick fame multiplying & coming to the Gouverno<sup>r</sup> & other magistrates, that the said John Douglas & his company had illegally & vnduely, w<sup>th</sup> violence, seized the said ship, called the Blew Doue, & dispossessed the master, Robert Cooke, & his company, being then in possession in a quiet & legall way from S<sup>r</sup> W<sup>m</sup> Dauidson & other English merchants, and outing the said Robert Cooke & his company, & possessing himselfe, the said Douglas, w<sup>th</sup> the said ship & goods, on which complaints the Go<sup>vr</sup>no<sup>r</sup> & magis<sup>ts</sup> judged it their duty to make due inquiry after the same, that so his majesty & his good subjects due rights may be preserued, in pursuance whereof judged it meete to impower Cap<sup>t</sup> James Olliuer & Cap<sup>t</sup> Edward Hutchinson, w<sup>th</sup> others, to inquire duely into the same, & as they found, to take due course for the seizing of the said John Douglas ship & company, & order their being brought to Boston, in order to a due trjall, as in the said comission may appeare, & on the said Douglas ap<sup>h</sup>ention & coming before the Go<sup>vr</sup>no<sup>r</sup> & magis<sup>ts</sup>, they ordered Cap<sup>t</sup> Hutchinson to impleade the said master & ship before the councill, which having binn donne, & the \*council, by their order, after p<sup>er</sup>v<sup>er</sup>sall of all evidences by the said Hutchinson & Douglas produced, appointed the said ship & goods to be secured, & an inventory thereof exactly taken, by two or three meete persons, on their oathes, & by Cap<sup>t</sup> Francis Norton, Cap<sup>t</sup> James Olliuer, & Cap<sup>t</sup> Edward Hutchinson secured & preserved in kinde, as much as maybe, & kept from imbezlement, wast, or spoyle, only discharging the necessary expences & chardges that hath binn or shall be expended thereabouts out of the cargoe, giving suffieient security to the secretary for the responding the said ship & remayning goods to the right owners, as in the sd act, w<sup>ch</sup> referd only to this Courts final determination, may appeare, and

[\*452.]

Courts order &  
judgm<sup>nt</sup> ab<sup>t</sup>  
ship Blew  
Doue & Cap<sup>t</sup>  
Douglass.

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therevpon the said John Douglass, being sent for out of prison, appearing before this Court w<sup>th</sup> the said Edward Hutchinson, who impleaded him, after the said Douglas his comission, being truly interpreted, was read, w<sup>th</sup> all the evidences in the case produced, this Court finds that the said Douglas his comission granted to Charles de Bills by the King of Portingall, bearing date the 8<sup>th</sup> of September, 1662, & by him assigned to the said John Douglas the 20<sup>th</sup> of the same moneth, doe judge that the said ship, Blew Doue, was illegally seized by the said Douglas, his said comission not warranting the same, and doe therefore order, according to the act of the council aboue mentioned, that the said Cap<sup>t</sup> Francis Norton, Cap<sup>t</sup> James Olliuer, & Cap<sup>t</sup> Edward Hutchinson secure the said ship aboue mentioned, and all the goods taken in the same, as they haue already in their hands, who are hereby required & impowred to recouer, by all lawfull wayes & meanes, any other of the goods belonging to the said ship now in the possession of any person w<sup>th</sup>in this jurisdiction, or the true value thereof, & the same to keepe in their possession, excepting such as are liable to perishing, them only to make sale of, keeping the effects, they giving in a true inventory of all the goods now & that shall come into their hands, by the oathes of such as tooke the same, to the secretary, & giving him sufficient security to respond the same; and that the secretary take the first opportunity to signify to the gent<sup>a</sup> ounors or proprietors in England, or elsewhere, of the Courts actings heerein, who, vpon due prooffe made, w<sup>th</sup>in one yeare after the date of this order, of a right therevnto, the said ship & goods, or effects thereof, to be deliuered to such ounor or ounors, they paying & allowing all just charges arising in & about the same, & that in the interim the said John Douglas giue his bond to the secretary, to the value of two thousand pounds, for the payment of one thousand pounds, in case he make not his appearance at any Court, from tjme to tjme, w<sup>th</sup>in the tjme prefixed, to be kept in Boston to answer what shall be further objected against him in or about the premisses; and that he, the said John Douglas, deliuer into this Court the bond he tooke of M<sup>r</sup> Kellond & M<sup>r</sup> Gibbs for the goods he sould to them belonging to the ship Blew Doue, and that he remajne in prison till he deliuer the same, any thing in this or any order notwithstanding.

This Court, being informed that diuers goods belonging to the ounors & merchants of the shipp & goods that were taken in the Blew Doue are in the hands of seuerall persons vndiscovered, that the right ounors may haue right don to them, this Court doeth order, that Cap<sup>t</sup> Francis Norton, Cap<sup>t</sup> Olliuer, & Cap<sup>t</sup> Hutchinson shall & hereby are impowred to enquire out & examine all such persons for the finding out such goods, and that they, discovering where any such goods be, or moneys due for any of these goods which.

Order ab<sup>t</sup> ship  
Blew Doue &  
seamen.

1664.

10 August.

haue binn sold, they are to seize & take possession thereof & keepe, according to another order of this Court; and further, it is hereby ordered, that they see to the security of the goods in the hands of M<sup>r</sup> Robert Gibbs & M<sup>r</sup> Thomas Kellond, for which he gaue bond; as also that the seuerall seamen that seized the ship giue in their bonds of twenty pounds a man to the secretary to answer for what they haue donne therein when they shallbe called thereto, & the marshall, or his deputy, to giue them notice thereof.

Order to deli<sup>u</sup>  
vp the originall  
comission to  
Cap<sup>t</sup> Douglas.

It is ordered, that Cap<sup>t</sup> John Douglas his originall comission be deliuered vp to him by the secretary, when he hath writt & signed a true copie thereof vnder his hand & seale, and attesting it to be a true copie of what he only deliuered into the councill, & by virtue whereof he tooke the ship Blew Doue, to be kept in steede of the originall on this Courts file.

[\*453.]

Seamen of ship  
Blew Doue to  
haue 20<sup>s</sup> apeece  
& y<sup>e</sup>ir clothes  
in case, &c.

\*It is ordered, that Cap<sup>t</sup> Francis Norton, Cap<sup>t</sup> James Olliuer, & Cap<sup>t</sup> Edward Hutchinson, when Cap<sup>t</sup> Douglas & seamen haue giuen their bonds to the secretary, according to the judgment of this Court, deliuer the cap<sup>t</sup> forty shillings, & each seaman twenty shillings, to preserve them alieue till they can provide some honest imploy for themselves, & that their particcular cloathes, so cleerely prooued to the sajd gen<sup>l</sup>, be by them deliuered to them.

Ans<sup>r</sup> to M<sup>r</sup>  
Gibbs & M<sup>r</sup>  
Kellonds peti-  
cion.

In ans<sup>r</sup> to M<sup>r</sup> Robert Gibbs & M<sup>r</sup> Thomas Kellonds peti<sup>c</sup>ion, it is ordered, that M<sup>r</sup> Thomas Kellond & M<sup>r</sup> Robert Gibbs forthwith deliuer vp the forty eight caske of sugar, fiue barrells of cole, the wax cakes, the twenty fower hides, & all other goods they had out of the ship Blew Doue, plate, jewells, &c, to Cap<sup>t</sup> Francis Norton, Cap<sup>t</sup> James Olliuer, & Cap<sup>t</sup> Edward Hutchinson, to be secured by them as the other; & on the deliuey thereof, both the bonds of sajd Kellond & Gibbs to be deliuered to them, together w<sup>th</sup> so much to be repayd them as they shall make appeare they haue payd to the sajd Douglas, or any of his company, before the ship was seized by Cap<sup>t</sup> Olliuer & Hutchinson, w<sup>th</sup> their charges in bringing the sajd goods to Boston as ordinary freight; & in case of the sajd Kellond & Gibbs refusall to deliuer vp the goods, they shall pay vnto the country Treasurer the full value of their bonds.

The whole Court met together ordered, that the secretary deliuer a true copie of his majestyes letter & comission to the Hon<sup>o</sup>ble Colonel Rich Nicholls, &c, w<sup>th</sup> the instruction to Cap<sup>t</sup> Clarke & Cap<sup>t</sup> Pinchon, members of this Court, but not signed by him.

Adjournment  
of the Court.

This Court is adjourned to the first Wendsday in Nouember next, vnlesse the Gofino<sup>r</sup> or Deputy Gouerno<sup>r</sup>, or any three Asistants, see cause to call it sooner.

*\*Att a Generall Court, called by Order from the Gounr, Dep<sup>t</sup> Gour, 1664.  
& other Magistrates, & held at Boston, 19<sup>th</sup> of October, 1664.*

19 October.

[\*454.]

IT being put to the question, whither this Court will at this session make their humble addresse to his majesty, the whole Court being mett together resolved the question on the affirmative, & was : —

Quæst. ab<sup>t</sup>  
sending ad-  
dress to his  
maj<sup>ty</sup> resolvd.

To the Kings most Excellent Maj<sup>ty</sup>.

The humble supplication of the Gen<sup>ll</sup> Court of the Massachusets colony in New England.

Dread Soueraigne : —

If your poore subjects, who haue remooved themselves into a remote corner of the earth to enjoy peace w<sup>th</sup> God & man, doe in this day of their trouble prostrate themselues at your royal feete, & begg yo<sup>r</sup> favor, wee hope it will be graciously accepted by your majestje, and that as the high place you sustejne on earth doeth number you here among the gods, so you will jmitate the God of heaven, in being ready to mainteyne the cause of the afflicted & the right of the poore, & to receive their crjes & addresses to that end. And wee humbly beseech your maj<sup>ty</sup> with princely patience & clemency to heare & accept our plajne discourse, though of somewhat greater length then would be comely in other or lesser cases. Wee are remote, & can speake but seldome, & therefore craue leaue to speake the more at once. Wee shall not largely repeate how that the first vndertakers for this plantation, hauing by considerable summes purchased the right thereof, granted to the counsell established at Pljmouth by King James, your royal grandfather, did after obtejne a pattent giuen & confirmed to themselves by your royall ffather, King Charles the First, wherein is granted vnto them, their heircs, assignes, & associates foreuer, not onely the absolute vse & propriety of the tract of land therein mentioned, but also full & absolute power of gouerning all the people of this place, by men chosen from among themselves, & according to such lawes as they shall from tyme to tyme see meete to make & establish, being not repugnant to the lawes of England, (they paying oply the fifth parte of the oare of gold & silver that shall heere be found for & in respect of all dutjes, demands, exactions, & services whatsoever,) as in the sajd pattent is at large declared; vnder the encouragement & security of which rojall charter this people did at their oune charges transport themselues, their wives, & familjes ouer the ocean, purchase the lands of y<sup>e</sup> natiues, & plant this colony with great labour, hazards, costs, & difficultjes; for a long time wrestling w<sup>th</sup> the wants

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of a wildernes, & the burdens of a new plantation. Having also now aboue thirty yeares enjoyed the aforesajd power & priuledge of gouernment w<sup>th</sup>in themselves, as their vndoubted right in the sight of God & man, and hauing had moreouer this further favor from God & from your majesty, that wee haue received seuerall gracious letters from your royall selfe, full of expressions tending to confirme vs in our enjoyments, viz<sup>t</sup>: in your majestjes letter bearing date the 15<sup>th</sup> day of February, 1660, you are pleased to consider New England as one of the cheifest of your colonjes & plantations abroad, hauing enjoyed & groune vp in a long & orderly establishment, adding this royall promise, ‘Wee shall not come behind any of our royall predecesso<sup>r</sup>s in a just encouragement & protection of all our loving subjects there.’ In your majestjes letter of the 28<sup>th</sup> of June, 1662, sent vs by our messengers, besides many other gracious expressions, there is this: ‘Wee will preserue & doe \*heereby confirme the pattent & charter heeretofore granted vnto them by our royall ffather, of blessed memory, & they shall freely enjoy all the priuiledges & libertjes granted vnto them in & by the same.’ As for such particculars of a ciuill & religious nature, which are subjoined in the sajd letter, wee haue applyed ourselues to the vtmost to sattisfy your majesty, so farr as doth consist w<sup>th</sup> conscience of our duty towards God, & the just libertjes & priuiledges of our patent. Wee are further bound w<sup>th</sup> humble thankfulnes to acknowledge your majestjes gracious expressions in the last letter wee haue received, dated Aprill 23<sup>d</sup>, 1664, as, (besides other instances thereof,) that your maj<sup>ty</sup> hath not the least intention or thought of violateing or in the least degree infringing the charter heretofore granted by your royall ffather w<sup>th</sup> great wisdome & vpon full deliberation, &c. But now what affliction of heart must it needs be vnto vs, that our sinnes haue prouoked God to permitt our aduersarjes to sett themselves against vs, by their misinformations, complaints, & solicitations, (as some of them haue made that their worke for many yeares,) & thereby to procure a comission vnder the great seale, wherein fower persons (one of them our knoune & proffessed ennemy) are jmpowred to heare, receiue, examine, & determine all complaints & appeales in all causes & matters, as well military as criminall & ciuill, & to proceede in all things for settling this country according to their good & sound discretions, &c, whereby, instead of being gouerned by rulers of our oune choosing, (which is the fundamentall priuledge of our patent,) & by lawes of our oune, wee are like to be subjected to the arbitrary power of strangers, proceeding not by any established lawe, but by their oune discretions! And whereas our patent giues a sufficjent royall warrant & discharge to all officers & persons for executing & obseruing the lawes here made & published, as is therein directed, wee shall now not be discharged

& at rest from further molestation when wee haue so executed & observed our lawes, but be lyable to complaints & appeales, & to the determinations of new judges, whereby our gouernment & administrations willbe made voyd & of none effect. And though wee haue yet had but a litle tast of the words or actings of these gentlemen that are come ouer hither in this capacity of comissioners, yett wee haue had enough to confirme vs in our feares, that their improouement of this power, in pursuance of their comission, (should the same proceede,) will end in the subuersion of our all. Wee should be glad to hope that your majestjes instruçons (which they haue not yet been pleased to impart vnto vs) may put such lymitations to their buisnes heere as will take of much of our ffeare; but according to the present appearance of things we thus speake.

In this case (dread soueraigne) our refuge vnder God is your royall selfe, whom wee humbly addresse ourselves vnto; & are the rather emboldened therein, because your majestjes last gracious letter doth encourage vs to suggest what, vpon the experience wee haue had & obseruation wee haue made, wee judge necessary or convenient for the good & bennefit of this your plantation, & because wee are well perswaded that had your majesty a full & right information of the state of things heere, yow would finde apparent reason to put a stop to these proceedings, which are certainly disseruiant to your majestjes interest, & to the prosperity & welfare of this place.

If these things goe on, (according to their present appearance,) your subjects heere will either be forced to seeke new dwellings or sinck & faint vnder burdens that will be to them intollerable; the vigour of all mens indeavours in their seuerall callings & occupations (either for merchandise abroad or further subduing this wilderness at home) will be enfeebled, as wee perceiue it already begins to be; the good worke of conuerting the natives obstructed; the inhabitants driuen to wee know not what extremitjes; & this hopefull plantation in the issue ruined. \*But whateuer become of vs, wee are suer the adversary cannot countervaille the kings damage. It is indeede a grieve to our hearts to see your majesty put vpon this extraordinary charge & cost about a business the products whereof can neuer rejmburse the one half of what will be expended vpon it. Imposed rulers & officers will haue occasion to expend more then can be rased heere, so as nothing will returne to your majesties exchequer; but instead thereof the wonted bennefit by customes of goods exported & imported into England from hence willbe diminished by the discouragement & diminution of mens endeavours in their seuerall occupations, or if the aime should be to grattify some particcular gentlemen by livings & revenues heere, that will also faile; where nothing is to be had, the king

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himself will be a looser ; & so will the case be found to be heere ; for such is the pouerty & meanesse of the people of this country, (by reason of the length & coldnes of the winters, the difficulty of subduing a wilderness, defect of a staple commodity, the want of money, &c,) that if w<sup>th</sup> hard labour men gett a subsistence for their families, it is as much as the generality are able to doe, paying but very smale rates towards the publicke charges ; & yet if all y<sup>t</sup> the country hath ordinarily raised by the yeare for all the charges of the whole gouernment were put together, & then doubled or trebled, it would not be counted for one of these gentlemen a considerable accomodation. It is true that the estates men haue in conjunction w<sup>th</sup> hard labour & vigorous in-deavours in their seuerall places, doe bring in a comfortable subsistence for such a meane people, (wee dare not diminish our thankfulnes to God that he provides for vs in a wilderness as he doeth,) yet neither will the former stand if the latter be discouraged, nor will both euer answer the ends of those that seeke or neede great things. Wee perceive there haue been great expectations of what is to be had heere, raised by some mens informations ; but those informations will proove fallacious, disapointing them that haue relyed vpon them. And if the taking of this course should driue this people out of the country, (for to a coalition therein they will neuer come,) it will be hard to finde another people that will stay long or stand vnder any considerable burden in it, seeing it is not a country where men can subsist w<sup>th</sup>out hard labour & great frugallity. There haue also been high representations of great diuissions & discontents amongst vs, & of a necessity of sending commissioners to releive the agrieved, &c ; whereas it plainly appeares that the body of this people are vnanimously satisfied in the present gouernment, & abhorrent from change, and that what is now offered will, instead of releiving, raise vp such greivances as are intollerable. Wee suppose there is no gouernment vnder Heaven wherein some discontented persons may not be found, and if it be a sufficient accusation against a gouernment, that there are some such who will be innocent, yet, thro the favour of God, there are but few amongst vs that are malcontent, & fewer that haue cause to be so.

S<sup>r</sup>: The allknowing God he knowes our greatest ambition is to liue a poore & a quiet life in a corner of the world, w<sup>th</sup>out offence to God or man. Wee came not into this wilderness to seek great things to ourselves ; & if any come after vs to seeke them heere, they will be disapointed. Wee keepe ourselves w<sup>th</sup>in our liue, & meddle not w<sup>th</sup> matters abroad. A just dependance vpon & subjection to yo<sup>r</sup> majesty, according to our charter, it is farr from our hearts to dissacknowledge. Wee so highly prize your favorable aspect (though at this great distance) as wee would gladly doe anything that is w<sup>th</sup>in our power

to purchase the continuance of it. Wee were willing to testify our affection to yo<sup>r</sup> majesties services by answering the proposalls of yo<sup>r</sup> hon<sup>ble</sup> co<sup>m</sup>issioners, of which wee \*doubt not but they haue already given your majesty an account. Wee are carefully studious of all due subjection to your majesty, & that not only for wrath, but for conscience sakes; and should diuine Prouidence euer offer an oppertunity wherein wee might, in any righteous way, according to our poore & meane capacity, testify our dutifull affection to your majesty, wee hope we should most gladly embrace it. But it is a great vn-happines to be reduced to so hard a case as to haue no other testimony of our subjection & loyalty offered vs but this, viz<sup>t</sup>, to destroy our oune being, which nature teacheth vs to preserve, or to yeild vp our libertjes, which are farr dearer to vs then our liues, & which had wee had any feare of being deprived of, wee had neuer wandered from our fathers houses into these ends of the earth, nor layd out our labo<sup>rs</sup> & estates therein, besides engaging in a most hazardous & difficult warre w<sup>th</sup> the most warlike of the natiues, to our great charge & the losse of some of the liues of our deare freinds; neither can the deepest invention of man find out a more certeine way of consistence then to obteyne a royall donation from so great a prince, vnder his great seale, which is the greatest security that may be had in humajne affaires.

Royall Sr: It is in your power to say of your poore people in New England, they shall not dye. If wee haue found favour in the sight of our king, let our life be given vs at our petition, (or rather that which is dearer than life, that wee haue ventured our liues, & willingly passed through many deaths to obteyne, & our all;) at our request let our gouernment liue, our patent liue, our magistrates liue, our lawes & libertjes liue, our religious enjoyments liue; so shall wee all haue yet further cause to say from our heart, 'Let the king liue foreuer;' and the blessing of them that were ready to perish shall come vpon your majesty, hauing deliuered the poore that cryed, & such as had none to help them. It was an hono<sup>r</sup> to one of your royall ancesto<sup>rs</sup> that he was called the poore mans king. It was Jobs excellency, when he sate as king among his people, that he was a father to the poore. They are a poore people (destitute of outward succor, wealth, or power) who now cry vnto the lord the king. May your majesty please to regard their cause, & majntejne their right; it will stand among the markes of lasting hono<sup>r</sup> to after generations; and wee and ours shall haue lasting cause to rejoyce that wee haue been numbered among

Your majestjes most humble

Servants & suplyants.

By order of y<sup>e</sup> Geñll Court.

JOHN ENDECOTT, Goñ.

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[\*457.]

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Order for y<sup>e</sup>  
Gofnors  
subscribing y<sup>e</sup>  
addresse, &c.

Comitte to  
convey & order  
deliury of y<sup>e</sup>  
addresse.

It is ordered, y<sup>t</sup> the Gofnors signe & subscribe the addresse, w<sup>th</sup> such letters as shall be necessary for the furtheranc & presentation thereof, in these words, 'By order of the Gen Court,' & that a copie of the comission lately p<sup>r</sup>sented to this Court be sent ouer w<sup>th</sup> it.

It is ordered, & Capt Daniel Gookin & Major Generall Leueret are hereby appointed & impowred to take order for the deliury of this Courts addresse to his maj<sup>ty</sup> vnto his maj<sup>ty</sup>, in such wise as may be most effectuell for the ends proposed in this Courts application; & the charges expended therein, & by them disbursed for that end, to be repajd them by the Treasurer, w<sup>th</sup> all damages to them susteyned thereby; & that the secretary deliuer the addresse, so sygnd, to either of the sajdg gent<sup>n</sup>.

100<sup>th</sup> orderd for  
y<sup>e</sup> comissioners  
enterteint.

This Court, being willing to manifest all due respect to his maj<sup>ty</sup>s comissioners appointed to treat w<sup>th</sup> the Generall Court, doe order, that one hundred pounds be payd by the Treasurer towards the defraying the charges of their entertejnement; & the selectmen of Boston are desired to be helpfull to their accomodation wherein they may in matter of advise & all curteous respects.

The major genll is desired, on their reception, to present them w<sup>th</sup> this order of Court.

Treasur<sup>r</sup> to  
levy it on y<sup>e</sup>  
tounes.

It is ordered, that the hundred pounds, ordered for entertainment of the comissioners, be levjed by the Treasurer on the seuerall tounes in proportion to the present country rate.

[\*458.]

Jn<sup>o</sup> Coldam a  
freeman.

Mr Rob<sup>t</sup> Gibbs,  
Abr. Broune,  
Rich. Price,  
Arthur Mason,  
& Sam. Gallop  
made freemen.

\*John Coldam, of Gloucester, on certifficat from Mr Emerson, pastor there, was admitted to be a freeman, & tooke his oath in open Court.

Mr Robert Gibbs, Mr Abraham Broune, Mr Richard Price, Arthur Mason, & Samuell Gallop, all of Boston, on cirtifficat from Mr John Wilson, Scñr, & the selectmen of Boston, were allowed & sworne freemen of this comonweale.

County Courts  
power to giue  
y<sup>e</sup> oath of free-  
man, &c.

Forasmuch as seuerall persons, who from time to tjme are to be made freemen, liue remote, & are not able, w<sup>th</sup>out great trouble & charge, to appeare before this Court to take their respective oathes, it is therefore ordered, that henceforth it shall be in the power of any County Court to administer the oath of freedome to any persons, approoved of by the Generall Court, who shall desier the same, any lawe or custome to the contrary notwithstanding.

Elections reg-  
ulated & to be  
in statu quo.

The Court, vnderstanding that the late lawe made in October, 1663, for the regulateing of elections is not so sattisfactory to the freemen as was expected, & for some other reasons w<sup>ch</sup> haue binn alleadged, doe judge meete to order, that the sajdg lawe shall & is heereby repealed, & that elections shall henceforth runne in the ordinary course, as formerly.

It is ordered by this Court & the authority thereof, that the Goſu<sup>o</sup> for 1664.  
 the tyme being, or any other officer to whom the custody of the publick seale  
 is comitted, doe affix the publicque seale vnto all comissions for military  
 officers, & to all other comissions & writtings of publick concernment that  
 shall issue forth from this Court or the councill, w<sup>th</sup>out paying any thing for  
 the seale; and the secretary for the tyme shall write & procure the seale to be  
 affixed, & deliuer the said comissions, or other publicke instruments, to the  
 partjes concerned; and for his fees of writting & wax he is allowed one shil-  
 ling for euery comission or other publick instruments, to be paid by the  
 Treasurer of the country; & this lawe to be in force, any lawe, custome, or  
 vsage to the contrary notwithstanding.

19 October.

Seale to be af-  
 fixed gratis on  
 all publick  
 comissions &  
 instrum<sup>ts</sup>.

Forasmuch as complaints haue binn made to this Court of very great  
 inæquallitje in keeping & majneteyning of millitary watches, the burden of  
 that service lying mainly, if not altogether, vpon such as beare armes, when  
 seuerall persons of good estate are free, all w<sup>ch</sup> considered, it is ordered, that  
 henceforth all persons whatsoever w<sup>th</sup>in this jurisdiction who are l<sup>j</sup>able to serve  
 in constables watches shall also be l<sup>j</sup>able to the like service in all millitary  
 watches, either in their oune persons, or by a sufficjent supply, to be made by  
 all such persons as aforesajd, or shall pay twelve pence in mony, & that vnder  
 the pœnalty of fve shillings for euery such neglect, to be levyed by the  
 clarke of each company, by warrant, vnder the hand of the cheife officer of  
 the lawe.

All y<sup>t</sup> are liable  
 to constables  
 watches are  
 alike liable to  
 millitary  
 watches.

This Court doe comend to all the people of this jurisdiction the 16<sup>th</sup> of  
 the next moneth for a solemne day of humilliation, to be spent in fasting &  
 prayer, for the imploring of the favorable presence of God yet to be con-  
 tinewed w<sup>th</sup> vs, a sanctified vse of his frounes & threats of greater evils yett  
 impending in seuerall passages of his providence towards vs, and a thorough  
 sight & sence of all those sinns & evils that are found amongst vs, provoaking  
 to his jealous eyes, that so, according to his blessed promise made to his  
 church, he may be pleased yet to establish his couenant w<sup>th</sup> his people in  
 these ends of the earth, not to turne away from vs, to doe vs good, & to put  
 his feare in our hearts, that wee may neuer depart from him.

Order for a  
 day of humil-  
 liaçõ 16 No-  
 uem. next.

It is ordered, that halfe a single rate be levyed vpon the inhabitants, as  
 an addition to the rate in course, towards the defraying the publicke charges,  
 that haue binn extraordinary this yeare.

Half a rate  
 added to the  
 yearely coun-  
 try rate for y<sup>e</sup>  
 yeare.

\*Its ordered by this Court, that all sorts of corne shallbe paid in the  
 country rate for the yeare ensuing at these prizes, following, viz<sup>t</sup>: wheate  
 at fve shillings, & barly & barly mault fower shillings sixepence, pease  
 & rye at fower shillings, & Indian at three shilling p bushell, all good

[\*459.]

Prizes of corne.

1664.

19 October.  
Comitte to  
pervse the  
lawes.

& merchantable corne, & what else is payd in the country rate to be paid at money price.

Mr Thomas Danforth, Captaine Thomas Clarke, Mr W<sup>m</sup> Parkes are appointed a comitte to joyne w<sup>th</sup> the secretary, if he be well, to pervse the lawes of publicke concernment, made this yeare or formerly, not published, & to take care that they be speedily printed & sent to the seuerall tounes of this jurisdiction; & in case of the secretarys sicknes, to proceed w<sup>thout</sup> him, & that Mr Danforth supply his place in all other cases.

Order to giue  
notice to y<sup>e</sup>  
Goũn<sup>r</sup> of each  
colō, &c.

Itt is ordered, that when the Generall Court shall be called to giue a meeting w<sup>th</sup> his maj<sup>ty</sup>s honorable comissioners, the secretary send notice to the Gouverno<sup>r</sup> of each colony thereof, (when he sends his warrants to call the members of the Generall Court,) if the season will permitt, that so they may be heere, if they please, according to the motion of the comissioners for the Vnited Colonjes.

Order for keep-  
ers payments,  
&c, ab<sup>t</sup> La-  
borne.

The keeper of the prison complaying that he is greatly injured by not payment for the expenses of Laborgne, this Court doeth order, that such part of it as is due to be payd by Mr Woodmancy, that it be payd in proviçõs, (i. e.,) merchantable corne, or in beefe, porke, & fish, not exceeding one third in fish, or in money, & accordingly execution to be granted in behalfe of the sajd keeper; & for the other part due from Sr Thomas Temple, that the Treasurer of the country doe, for the present, disburse the same, & treat w<sup>th</sup> Sr Thomas concerning the repayment thereof to the country.

Ans<sup>r</sup> to Marl-  
borough peti-  
tion.

In ans<sup>r</sup> to the petition of the inhabitants of Marlborough, the Deputy Goũno<sup>r</sup>, Mr Willoughby, Mr Russell, & Majo<sup>r</sup> Generall Leueret are desired & appointed to be a comitte to give an opportunity to the inhabitants of Marlborough to make their appearances before them, & make knoune their greivances & differences to the sajd comitte, who are hereby impowred, on their hearing what each party cann say for themselves, to determine & conclude of such an issue as they, or any three of them, shall judge necessary to conduce to the setling of peace betweene them, the Deputy Goũno<sup>r</sup> to appoint both time & place.

Señ<sup>n</sup> petitions  
from seuerall  
tounes.

The Court being mett together & informed that seuerall persons, inhabitants of Cambridge, were at the doore, & desiring liberty to make knoune their errand, were called in, & Mr Edward Jackson, Mr Rich Jackson, Mr Edw Oakes, & Deacon Ston:, coming before the Court, presented a petiçõn from the inhabitants of Cambridge, w<sup>ch</sup> was subscribed by very many hands, in w<sup>ch</sup> they testified & declared their good content & satisfaction they tooke & had in the present goũment, in church & coũmonwealth, w<sup>th</sup> their resolution to be assisting to & encouraging the same, & humbly desiring all meanes might

be vsed for the continuance & preservation thereof, & at the same time & the next day seuerall petiçõs of like nature from Wooborne, Dorchester, Redding, Chelmsford, Concord, Billirrikey, Boston, Dedham, & Meadfeild, & also one from seuerall inhabitants of Roxbury, all which are on file.

1664.

19 October.

The next County Court, to be held at Boston on the last Tuesday of this moneth, is adjourned to the 2<sup>d</sup> Tuesday in Nouember next.

County Courts adjournm<sup>t</sup>.

\*Thō Carver, Francis Dening, Edward Nutter, & Jn<sup>o</sup> Dening, souldjers, coming to this town of Boston from the Monhatoes, being sent for & demanded whence they came, & vnder whose comānd they were, & whither they were dischargd by their comānders, answered, that they came from New Yorke; y<sup>t</sup> they had binn souldjers in his maj<sup>ty</sup> service, vnder the comānd of Col<sup>t</sup> Cartwright; that the sajd collonell had dismiss & dischargd them, by word of mouth, from that service; that they were tradesmen, & neuer had binn souldjers before; on all w<sup>ch</sup>, the Court judged it meete to order, that they, the sajd Carver, Denings, & Nutter, shall & hereby are confined to the toune of Boston, & that they depart not out of the toune lmitts w<sup>th</sup>out giving notice to the major gen<sup>l</sup>, from time to tyme, where they goe, & w<sup>th</sup> whom they live if they goe out of this toune, till this Court or the major gen<sup>l</sup> be satisfied that thē came orderly from the hon<sup>ble</sup> Colonell Nichols & other his maj<sup>ty</sup>s comissioners. [\*460.]

4 souldjers confinement, &amp;c.

John Porter, Juñ, supplicating this Court for a release from his imprisonment, the Court doe grant him his request, on condiçõn that he forthwith depart this jurisdiction, & returne no more w<sup>th</sup>out leaue first obteyned from the Generall Court or Court of Asistants, & stand bound in two hundred pounds bond for the performance hereof, & in case of his returne, or not departure imēdiately, to be comitted by any Court or magistrate to the house of correction, & there to abide vntill he be dischargd by the Geñll Court or Court of Asistants.

Order ab<sup>t</sup> Jn<sup>o</sup> Porter.

W<sup>m</sup> Salter, keeper of the prison, signifying his intent to leaue y<sup>e</sup> sajd trust, this Court doeth order the County Court of Suffolke to provide a sufficient keeper for the sajd prison, & to make agreement w<sup>th</sup> him according to their discretion.

Order to provide a keeper.

Salem millitary company hauing made chojce according to lawe, & presenting M<sup>r</sup> Walter Price for their captaine, Georg Gardiner for their lefteñt, & M<sup>r</sup> Zerobbabel Endicott for their ensigne, the Court allowes & approoves of their chojce.

Salem millitary officers.

In ans<sup>r</sup> to the petiçõn of M<sup>r</sup> Thomas Cobbet, humbly desiring the fauor of this Court to grant him a peece of meadow, being ab<sup>t</sup> twenty acres of meadow, as an addition to his farme layd out nere Hauerill bounds, formerly

Ans<sup>r</sup> to M<sup>r</sup> Cobbetts petiçon.

1664. markt w<sup>th</sup> the letters T C, & lyeth neere his five hundred acres on the west l<sup>j</sup>ne thereof, the Court grants his request.

19 October.  
Ans<sup>r</sup> to Woo-  
borne peti<sup>o</sup>n,  
& 2000 ac<sup>s</sup>  
granted.

In ans<sup>r</sup> to the peti<sup>o</sup>n of the selectmen of Wooborne, the Court judgeth it meete to graunt them two thousand acres of land according as is exprest in their peti<sup>o</sup>n, w<sup>ch</sup> is on file.

300 acres  
granted to Le<sup>f</sup>  
Joshua Fisher.

This Court hauing employed Leiu<sup>t</sup> Joshua Fisher diuers dayes in finding out the vtmost extent of the south l<sup>j</sup>ne of our patent, & also in joyning w<sup>th</sup> other com<sup>i</sup>ssioners in running the same, which being now performed & finished, it is hereby ordered, in answer to his desires, that the sajd Leiu<sup>t</sup> Fisher shall & hereby hath granted him a certeine parcell of land vpon Meadfeild l<sup>j</sup>ne towards the south, M<sup>r</sup> Tyngs farme towards the north, Sheffelds farmes towards the west accute angle towards the east, which he is to take in full sattisfaction for what he hath donne in refference to our patent, provided it be not aboue three hundred acres, & be not formerly granted to any other ; & in case the three hundred acres be not to be had in y<sup>t</sup> place, the Court grants him full three hundred acres to be made in some other wast land.

[\*461.]

Ans<sup>r</sup> to Sam.  
Hunt.

\*In ans<sup>r</sup> to the petition of Samu<sup>e</sup>ll Hunts, the Court, hauing perused his peti<sup>o</sup>n & considered his motion therein for easement from the sentence past against him at Ipswich Court *Court*, doe not see cause to reuerse the sentence, but admonish him, the sajd Samu<sup>e</sup>ll Hunt, to humble himself for his miscarriages against authority, & to be sencible of his great sinn therein com<sup>i</sup>tted against the Lord ; & on his humble submission, this Court doeth referr him to the Court at Ipswich to be abated of his sentence as in their discretion they shall see meete.

Ans<sup>r</sup> to M<sup>r</sup>  
Broughtons  
motion.

M<sup>r</sup> Broughton, making his suite to this Court that he may be licensed to appeare before the County Court, in Boston, for an oppertunity to haue the bennefit of the lawe in favo<sup>r</sup> to such debto<sup>r</sup>s as are not capable of paying their credito<sup>r</sup>s according to judgment granted ag<sup>t</sup> them, itt is ordered, that he haue his liberty accordingly, being secured by the keeper, & im<sup>i</sup>ediately returned from the sajd Court to prison.

1000 acres of  
land to Charls  
Toune & Cam-  
bridge.

In ans<sup>r</sup> to the petition of Charles Toune & Cambridge, the Court judgeth it meete to renew theire grant of a thousand acres of land, granted them the 18 8 m, 1659, notw<sup>th</sup>standing the former conditions are not fulfilled, provided it be foreuer appropriated to a grammer schoole, according to the intent of this Court in the first grant.

150 acres land  
to Jn<sup>o</sup> Parker.

In ans<sup>r</sup> to the request of John Parker, for some allowance for his chardges expended in laying out lands for Indians, the Court judgeth it meete to grant him one hundred & fifty acres of land in any place not legally deter-  
mined.

The Court judgeth it meete to grant Cap<sup>t</sup> Roger Clap fower pounds, to be payd him by the Treasurer, for his service in laying out the southern line of our patent.

1664.

19 October.  
4<sup>th</sup> to Cap<sup>t</sup> Clap  
for running y<sup>e</sup>  
south line.

Itt is ordered, that the cause now depending betweene Cap<sup>t</sup> Thō Clarke & M<sup>r</sup> Edward Tyng & the estate of the late M<sup>r</sup> Henry Bishop, of Boston, appointed to be heard this session, be referred to be issued vpon the 3<sup>d</sup> day of the next sitting of the Generall Court in ordjnary course.

Lajd out, in obedjence vnto the grants of the honored Generall Court in anno 1659, & May, 1660, to M<sup>r</sup> Samuel Symonds, of Ipswich, three hundred acres, described by a plott, on file, at Assibath Plajne, crossing the country road from Concord to Lancaster, two hundred & sixty acres being the grant of the Court, the other forty acres being for an allowance of the country roads passing thrō the sajd tract of land, begining at the south west end of a litle cedar swampe, from a pine tree there, marked, runing a ljne two hundred and forty rods vpon a northwest point fower degrees westerly, there making a right angle, runing a ljne two hundred rods vpon a north east point fower degrees northerly, & from thence a ljne vpon a south east point fower degrees easterly two hundred & forty rods, & from thence a ljne vpon a southeast point fower degrees southerly two hundred rods, ending by the cedar swampe where wee beganne; the above sajd tract of land being bounded by the wildernes land on euery side. Humbly desiring this honoured Court that this returne may passe, & be recorded. Subscribed

300 acres layd  
out & ap-  
proved of for  
M<sup>r</sup> Sam. Symonds.

THOMAS NOYES, Surveyo<sup>r</sup>.

The Court approoves of this returne.

Cap<sup>t</sup> Brjan Pendleton having binn legally chosen & approved of to be cap<sup>t</sup> of the military company of Portsmouth, but not yet having any comission, it is ordered by this Court, that the secretary, imēdiately after the end of this session, draw vp a comission, & deliuer it to Majo<sup>r</sup> Generall Leueret, & he to take care for the sending of it, that so the peace of the place maybe preserved.

A comission  
ordered for  
Cap<sup>t</sup> Pendle-  
ton.

Whereas Ensigne Thomas Noyes, of Sudbury, was chosen to be a leiftenānt vnder Cap<sup>t</sup> Hugh Mason, for his majestjes service, & he having expended some tyme & money about that designe, there being a considerable summe due to him vpon that accompt, the Court judgeth it meete to grant the sajd Lef<sup>t</sup> Thō Noyce two hundred & fifty acres of land for & in consideration

250 acres of  
land granted  
to Tho. Noyce.  
See 570.

1664.

19 October.

[\*462.]

Mr Gen<sup>l</sup> Dennison & Mr Danforths returne.

of the premisses, & in answer to a former petiçōn, he being willing to take it as full satisfaction for what is justly due to him.

\*This day Major Generall Daniel Dennison & Thomas Danforth, Esq<sup>rs</sup>, presented to this Court their returnes of what they did at their meeting at Rehoboth w<sup>th</sup> Cap<sup>t</sup> Jn<sup>o</sup> Greene & Mr Joseph Torrey, by virtue of this Courts comission directed to them by the Gen<sup>l</sup> Court of Election last, & is conteyned in severall returnes of theirs to severall papers by them rec<sup>d</sup> from the said Cap<sup>t</sup> John Greene & Mr Joseph Torrey, w<sup>ch</sup> are on file. This Court approoves of their returne, & returnes the said gent<sup>n</sup> the thanks of this Court for their great paynes & good service therein.

Comissioners returne.

The returne of the comissioners for the United Collonjes was read in Court.

300 ac<sup>rs</sup> of land to Left Rich. Beeres.

In ans<sup>r</sup> to the petiçōn of Left Richard Beeres, hauing binn one of the first planters of this colony, & served this country in their warrs ag<sup>t</sup> the Pecquotts twice, &c, as is exprest in his petition, w<sup>ch</sup> is on file, this Court judgeth it meete to grant him three hundred acres of land where it is to be had free of former grants, according to lawe.

500 ac<sup>rs</sup> land granted to Major Lusher.

In ans<sup>r</sup> to the petiçōn of Major Eljazer Lusher, humbly desiring the favo<sup>r</sup> of this Court to graunt him some land as a testimony of their acceptance of his service for time past, &c, as in his petiçōn, w<sup>ch</sup> is on file, the Court judgeth it meete to grant him five hundred acres of land, to be lajd out in some such place as he or his assignes may finde out & make chojce of in the countryes lands.

Abraham Corbets censure, fine 5<sup>l</sup>, &c.

The Court having considered the County Courts of Portsmouth returne, relating to the crime of Abraham Corbets, for signing severall warrants in his majestjes name in civil cases ag<sup>t</sup> severall inhabitants, to their great disturbance, not being approoved of by any County Court for that service, the Court, on hearing what he could say for himself, judged it meete to order, that he be admonisht, & fined him five pounds to y<sup>e</sup> country, & stands comitted till he performe this Courts sentence. Y<sup>e</sup> said Abraham Corbet appearing before the Court, hauing satisfied the Treasurer his fine, &c, his suretjes were dischargd.

Charge of y<sup>e</sup> officers & souldjers, 186 : 10 : 6.

The accounts of the charges expended respecting the entertainment of his maj<sup>ty</sup>s comissioners, and the service concerning the Monhatoes, & what else concernes the same, due to Cap<sup>t</sup> Mason, his advance money being receaved by him, & to Cap<sup>t</sup> Hudson, his advance money by him receaved, & extraordinary expenses, & to the comon souldier & the other officers exprest in a bill, w<sup>ch</sup> is on file, amounting to one hundred eighty six pounds tenn

shillings & sixpence, the w<sup>ch</sup> the Court passed, & ordered the Treasurer to discharge. 1664.

Also, another bill was passed by the Court, & ordered for the Treasurer to discharge, amounting to the some of eighty two pounds fower shillings & six pence, & is for y<sup>e</sup> dischargd of the pilots y<sup>t</sup> went for the Monhatoes w<sup>th</sup> his maj<sup>ty</sup>s comissioners, & the entertheyntment of his maj<sup>ty</sup>s comissioners, as appears by the bill remayning on file.

For the preventing of irregularities & abuse to the authority of this country by the printing presse, it is ordered by this Court & the authority thereof, that there shall be no printing presse allowed in any toune w<sup>th</sup>in this jurisdiction but in Cambridge, nor shall any person or persons presume to print any copie but by the allowance first had & obteyned vnder the hands of such as this Court shall from tyme to tyme impower; the præsident of the colledge, M<sup>r</sup> John Shearman, M<sup>r</sup> Jonathan Michell, & M<sup>r</sup> Thomas Shepheard, or any two of them, to survey such copie or coppies, and to prohibitt or allow the same according to this order; and in case of non observance of this order, to forfeit the presse to the country, & be disabled from vsing any such proffession w<sup>th</sup>in this jurisdiction for the tyme to come; provided, this order shall not extend to the obstruction of any coppie which this Court shall judge meete to order to be published in print.

\*The magis<sup>ts</sup> & deputjes of the seuerall townes of this jurisdiction, being by warrant & order of the councill, dated Aprill, 1665, accordingly mett together on the 2<sup>d</sup> of May, 1665, at Boston, to consult the management of the affaires of the day following, being election day. After they were mett, & had spent some time to looke ouer certaine cirtificats from seuerall selectmen of the seuerall townes in relation to freedom, & reception of five papers from Colonell Rich Nicholls, S<sup>r</sup> Robert Carr, & M<sup>r</sup> Samuell Mauericke, his majesties comissioners, the Court adjourned to the next morning at 7 of the clocke. [\*463.]

*Att a Generall Court of Election, held at Boston, in New England, the 3<sup>d</sup> of May, 1665.* 1665.

3 May.

**R**ICH: BELLINGHAM, Esq<sup>r</sup>, was chosen Go<sup>u</sup>, & tooke his oath in Court.

Francis Willoughby, Esq<sup>r</sup>, was chosen Dep<sup>t</sup> Go<sup>u</sup>, & took his oath 4<sup>th</sup> May.

1665.

3 May.

Symon Broadstreet, Esq̃,	}	& Cõmissioner.
Sãm Symonds,		
Daniel Gookins,		
Daniel Denisson, 1 <sup>st</sup> reseř,		
Symon Willard,		
Rich Russell, & Tresurer,		} Esq̃s, were chosen Assistants, & tooke their oathes.
Thō Danforth, & Cõmissio <sup>r</sup> ,		
Maj <sup>r</sup> W <sup>m</sup> Hawthorne, 2 reserv,		
Mr Lusher,		
Majo <sup>r</sup> Generall John Leueret,		} & was chosen Majo <sup>r</sup> Generall.
Cap <sup>t</sup> Jn <sup>o</sup> Pinchon,		

Edw̃ Rawson was chosen Secretary.

Mr Edmond Batter, Cap<sup>t</sup> Walter Price, Salem.  
 Cap<sup>t</sup> Francis Norton, Lieut Rich Sprauge, Charls Toune.  
 Cap<sup>t</sup> Roger Clap, Leif<sup>t</sup> Hopstill Foster, Dorches<sup>t</sup>.  
 Cap<sup>t</sup> Thomas Clarke, Mr Anthony Stoddard, Boston.  
 Mr W<sup>m</sup> Parks, Lef<sup>t</sup> Griffith Crafts, Roxbury.  
 Lef<sup>t</sup> Rich Beeres, Mr Sãm Thatcher, Water Toune.  
 Mr Edw̃ Collins, Mr Edw̃ Jackson, Cambridge.  
 Mr Oliuer Purchiss, Lynne.  
 Cap<sup>t</sup> Jn<sup>o</sup> Apleton, Mr Moses Pengrey, Ipsuich.  
 Mr Thomas Dyer, Weimouth.  
 Cap<sup>t</sup> Joshua Hubbard, Hingham.  
 Cap<sup>t</sup> Timothy Wheeler, Concord.  
 Ensigne Danī Fisher, Mr Peter Woodward, Dedham.  
 \*Mr Jeremiah Houchin, Salisbury.  
 Mr Samuell Dalton, Hampton.  
 Mr Maximilljan Jewett, Rowley.  
 Cap<sup>t</sup> Richard Bracket, Braintry.  
 Cap<sup>t</sup> Richard Walderne, Douer.  
 Mr Willjam Stevens, Glocester.  
 Mr Richard Cutts, Portsmouth.  
 Cap<sup>t</sup> Edward Johnson, Wooborne.  
 Mr Henry Addams, Meadfeild.  
 Lieut David Wilton, Mr Willjam Holton, Northampton.  
 Lef<sup>t</sup> Samuel Smith, Mr Peter Tilton, Hadley.  
 \*Lef<sup>t</sup> Thō Nojce, Sudbury.  
 Cap<sup>t</sup> Jn<sup>o</sup> Euered, Chelmsford.

M<sup>r</sup> Peter Ware, Yorke.M<sup>r</sup> Francis Littlefield, Wells.

1665.

3 May.

Capt Thomas Clarke is chosen Speaker for y<sup>s</sup> session.

The Court, hauing ordered their transactions w<sup>th</sup> his majesties honorable cōmissioners, together w<sup>th</sup> their narrative & improovement, to be recorded as it was presented to them by their cōmittee, hauing duely p<sup>r</sup>vsed the same and approoved thereof, that it might be intire w<sup>th</sup>out mixture of other acts of y<sup>e</sup> Court, the lawes & Courts ans<sup>r</sup> to petiçōns at this Court, &c, is first recorded, & then that by itself.

\*There being a seeming contradiction betweene the lawes, tit<sup>l</sup> Fornica- [\*464.]  
tion, page 33, & Punishment, page 67, this Court doeth declare, that the  
former, referring to a particular crime, a shamefull sin, much increasing Titl. Fornica-  
tion to be in  
force, &c.  
among us, to the great dishonor of God & our profession of his holy name,  
the punishment of that sin shall be as is prescribed in the sajd lawe, any thing  
that may seeme to restrejne or l<sup>i</sup>mit the same contejned in the other lawe, title  
Punishment, notwithstanding; and in case any person legally conuicted of  
that or any other shamefull & vitious crime be a freeman, it shall be in the  
liberty & power of the Court that hath the propper cognisance thereof, besides  
any other pœnalty or punishment, to add disfranchisement thereto.

The Court, vnderstanding that seuerall gentlemen, merchants, straingers,  
in the beginning of euery yeare, frequently coming into these parts, & bring-  
ing great store of English & other goods of all sorts to great value, & vsually  
making vp their marketts to their great advantage before the sixth moneth,  
when the rates or order for the collecting of them by lawe is issued out, (not  
w<sup>th</sup>out a considerable disadvantage to the merchants & shopkeepers resident,  
& inhabitants of this colony, who haue borne the heat of the day, & are faine  
to be at all the charge for supporting of the gouernment,) and the sajd mer-  
chants, straingers, taking the cheife of the benefit of the trade, & make  
their escape without any payment to support the gouernment of this place,  
vnder & by which they reape so great advantage to themselues, it is therefore  
ordered, that it shall be henceforth lawfull for the selectmen of each toune  
where such strangers are or shallbe to asseesse all such strangers according to  
the cargoes they shall bring into this country; or in case of thejr refusall to  
give in a true account of their estate to the selectmen, then the sajd selectmen  
shall & hereby is impowred to make their assessment on all such strangers  
in any moneth of the yeare in proportion to a single rate yearely, by will &  
doome, as the inhabitants of this country are vsed to be rated, & for non

Order to rate  
strangers.

1665.

3 May.  
Rules for officers to give copies of records.

payment by the constables to levy their said assessment, as in other cases, by warrant from the said selectmen.

Resolved, vpon the quæstion, that the words ‘rolls, reccords, or register of any Court or office,’ conteyned in the printed lawes, tiť Records, &c, sect 3, page 69, are to be jnterpreted & vnderstood only of such acts of Court as concerne particular persons in matters of justice, license, grant, or approbation, or of such lawes as are of publick concernment.

This Court, having taken into their serious consideration the distressed, bleeding, dying condition of the Protestant Christian interest in the world, the darknes of the howre of temptation, referring to ourselues those manifold publick rebukes the Lord hath given vs in our concernments at home & abroad, contending w<sup>th</sup> us diuers yeares, & now againe by the caterpillars & the palmer worme, denying us the priviledg & mersy of being a people so desired as in former dajes, & threatning vs, by diuerse judgments impending, severely to *to* punish us euen w<sup>th</sup> the remoovall of the candlesticke out of its place, except we repent, & so to make vs a reproach by avenging the quarrell of his couenant, his jealousie being provoked therevnto by the abounding of iniquitje among us, the great indisposition & vnsubduednes of our spirits to take vpon ourselues & submit vnto the yoke of Christ, wantones vnder the peace & libertjes wee partake of, —

22 June a day  
of humillia-  
tion.

And considering likewise how great a measure of our prosperity hath its dependanc, vnder God, vpon the benigne aspect of our soueraigne lord the king towards vs & the rest of his good subjects in these ends of the earth, as well as in other parts of his dominions, not vmindfull also of the alarum from heaven given vs in the awfull appearances of the comets, both this & the last yeare, warning us to be watchfull & quickned vnto the discharge of the seuerall dutjes incumbent on us respectiue, as also in regard of the late declared warr betwixt England & Holland, doe therefore see great reason to stirr vp all the inhabitants of this colony to be instant in season & out of season with the Lord, by prajer for his mercy towards his poore servants, to pray alwayes w<sup>th</sup> all prajers & supplications in the spirit, & watching therevnto w<sup>th</sup>all perseverance; and in particular doe comend to the churches & inhabitants the two & twentieth day of the 4<sup>th</sup> m<sup>o</sup> next to be kept as a day of solemne fasting & prayer throughout this jurisdiction, wherein all may vnfeignedly humble themselves in the sight of God, lifting vp holy hands without wrath & doubting, & may turne from the evill of their doings in the way of a reall & thorough reformation, that so the Lords anger maybe turned away from us, & wee may obtayne reconcilliation w<sup>th</sup> him, & the continuance of his gracious presence w<sup>th</sup> us & ours, that his worke may appeare to his

servants & his glory vnto theire children, together w<sup>th</sup> the favour of the kings majesty towards us, whence wee may be encouraged in this wildernes still to offer vp the sacrifices of sweete savors unto the God of heaven, & pray for the life of the king, that vnder him wee may liue a quiet & peaceable life, in all godlines & honesty.

1665.

3 May.

\*In answer to the petition of seuerall of the inhabitants of Muddy Riuer, [465.] the Court declares, that the lawes already made doe sufficiently provide for the punishing of any disorderly practises amongst the Indians, & what else is conteyned in their petition, if due execution be observed & donne.

Ans<sup>r</sup> to inhabitants of Muddy River petition.

Robert Higgins, the late executioner, being departed this life, Henry Rayner, of Boston, being presented to this Court to succeed the said Higgins, on the sallery of fiveteene pounds p añ from the country, he expressing himself willing to accept of that place, the Court allowes & approoves of him therein, the County Court of Suffolke ordering him the annuall payment of fve pounds thereof.

Henry Rayner executioner in place of Rob<sup>t</sup> Higgins. 24 3<sup>d</sup>, 65.

This Court doeth order & appoint Cap<sup>t</sup> Edward Johnson & Mr. W<sup>m</sup> Steevens to draw vp a map of this colony, w<sup>ch</sup> they are to doe w<sup>th</sup> the greatest care & best exactness they can, & are impowred to call in & make vse of what artists they shall judge needfull, the charge whereof is to be defrayed by the Country Treasurer.

Com<sup>it</sup>tee about the map.

Itt is ordered, that Cap<sup>t</sup> Gookin, Mr Thomas Danforth, Mr Edward Collins, Mr W<sup>m</sup> Parks, & Lef<sup>t</sup> Hopestill Foster be a com<sup>it</sup>tee to consider of the matters presented by his majestjes honorable com<sup>is</sup>sioners to this Courts consideration, & to pervse such letters & orders as haue binn already made in refference to the answering of his majestjes letter of June, 1662, & to see how farr it hath been answered, & to consider what is further necessary to be donne in order therevnto, & to present the same to the vejw of this Court to consider of & act further therein.

Com<sup>it</sup>tee to consider of Courts ans<sup>r</sup> to his maj<sup>ty</sup> letter of June, 62.

Mr W<sup>m</sup> Staughton, on his cirtifficat of being a member of the church of Dorchester, &c, is accepted of & admitted to the freedome of this body.

Mr Staughtons admitt<sup>d</sup> to freedome.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of W<sup>m</sup> Bartholmew, Humphry Hodges, Antipas Boyes, Abraham Broune, John Wisewall, Jn<sup>o</sup> Joyliff, Edmond Dounes, Samuell Sherman, Anthony Checkly, John Winslow, Hezekiah Vsher, Ju<sup>n</sup>, & Rich Price, humbly desiring that meete persons may be impowred to examin all persons concerned in y<sup>e</sup> estate of the late Samuell Mauerrick, Ju<sup>n</sup>, on theire oathes, for the full discouery thereof, that the estate be not concealed or conveyed away, but the creditors justly sattisfied, &c, the Court judgeth it meet to grant this peti<sup>ti</sup>on, & doe appoint Cap<sup>t</sup> Thomas Sauage & Cap<sup>t</sup> Wiljam DAVIS to be com<sup>is</sup>sioners to examine persons as is therein exprest.

Com<sup>is</sup>sioners for disco<sup>u</sup>ry of Sam. Mauerrick, Jun., estate, &c.

1665.

3 May.  
Coṃittee to  
consider of all  
papers deli-  
u. in by Col. Nich-  
olls & y<sup>e</sup> rest  
of y<sup>e</sup> coṃis-  
sioners.

Mr Symon Broadstreet, Cap<sup>t</sup> Dan<sup>i</sup> Gookin, Mr Thomas Danforth, Cap<sup>t</sup> Edward Johnson, Mr Edward Jackson, Cap<sup>t</sup> Richard Waldern, & Left Hopstill Foster are appointed & impowred as a coṃittee to consider of all the papers deliuered into this Court by Colonell Richard Nicholls & the rest of his majestjes coṃissioners, & to present a full & meet answer vnto the whole to this whole Court for their approbation, that so there may be as litle expence of time as may be.

Mr Duncans  
500 acres layd  
out.

Lajd out & exactly measured by me vnderwritten, according vnto rules of art, in the yeare 1663, the fue hundred acres of land granted vnto Mr Nathaniel Duncan in the yeare 1660, at a place called by the Indians Zuichouge, lying & being southerly of a place called Boggestow, lying & neere adjoyning vnto the south end of a great cedar swampe, being bounded on all sides by the countrys land, begining on the westward side of a brooke issuing out of the saj<sup>d</sup> cedar swampe, runing a l<sup>j</sup>ne vpon a south & by east point nearest hand three hundred thirty eight rods, & from thencē a l<sup>j</sup>ne on east southeast point eighty rods, & from thence a l<sup>j</sup>ne vpon a south & by east point, half a point easterly, one hundred & fifty rods, & from thence a l<sup>j</sup>ne vpon an east point nearest hand one hundred & twenty rods, & from thence a l<sup>j</sup>ne vpon a north & by west point nearest hand fue hundred thirty two rods, and from thence vpon a l<sup>j</sup>ne vpon a west point nearest hand one hundred sixty & fower rods, ending where wee begann; humbly intreating this honoured Court that this returne maybe recorded.

This by

THOMAS NOYES, Surveyor.

The Court allowes & approoves of this returne.

Coṃittee to  
conferr w<sup>th</sup> his  
maj<sup>ty</sup> coṃis-  
sioners.

The Court, in ans<sup>r</sup> to the paper sent in by his majestjes coṃissioners in refference to a coṃittee to conferr w<sup>th</sup> them in relation to *in relation to* the warrant of Jn<sup>o</sup> Porter, &c, haue appointed Mr Symon Broadstreet, Mr Thomas Danforth, Major Ge<sup>n</sup> Leueret, Cap<sup>t</sup> Thō Clarke, Cap<sup>t</sup> Edw Johnson, Cap<sup>t</sup> Joshua Hubbard, Mr Edward Jackson, & Cap<sup>t</sup> Rich Walderne as a coṃittee to confer w<sup>th</sup> the honor<sup>ble</sup> coṃissioners as is desired.

Rich. Cutts  
dismission.

Mr Rich Cutts, on his request, hauing much vrgent buisnes on him, is dismist the service of this Court.

Philip, Tho.  
Nelson, Jn<sup>o</sup>  
Trumble, &  
Benj. Scot ad-  
mitted to free-  
dom.

Mr Philip Nelson, Thō Nelson, Jn<sup>o</sup> Trumble, & Benjā Scott, on certifi-  
cat of being in full coṃunion w<sup>th</sup> Rowley church, are admitted to freedome,  
& the County Court of that county is impowred to administer the freemans  
oath vnto them.

\*Lajd out to Serj<sup>t</sup> John Parker, of Billirrikey, one hundred & fifty acres of land, more or lesse, lying in the wilderness, on the west of Merremacke Ryuer, & on the south side of Groaten toun bounds, the country road to Groaten lying thorough the mjdle of it. It begins at a smale pine standing about sixteene pole southward of the roade, and so runs west southwest in a streight lje one hundred & sixty pole vnto a blacke oake marked w<sup>th</sup> R; from thence it runns nō nō west one hundred & sixty pole; the other two ljnes are æquall in length & parralel to the former; it is bounded neere vnto Groaten lje on the north, & partly by Swan Pond on east, the wildernes elsewhere surrounding, all w<sup>th</sup> ljnes are sufficiently bounded, & marked w<sup>th</sup> R.

1665.

3 May.

[\*466.]

Jn<sup>o</sup> Parkers  
farme of 150  
acres lajd out.

Lajd out by JONATHAN DANFORTH, Survejo<sup>r</sup>.

The Court allowes & approoues of this returne.

It is ordered, that the Treasurer of the country satisfie & pay vnto Cap<sup>t</sup> Tho<sup>s</sup> Clarke the some of fve pounds seven shillings & two penc, and is for what he layd out & expended on his journey to the Monhatoes, being sent by the Court, & on their service.

Cap<sup>t</sup> Clarks ex-  
penc to Mon-  
hatoes, Au-  
gust, 64, 5<sup>u</sup> 7  
2<sup>d</sup>.

This Court, considering the state of the county of Norfolke as being exposed to great trouble & charge by reason of their remotenes from any magistrate, it is ordered, that Cap<sup>t</sup> Robert Pike, of Salisbury, & M<sup>r</sup> Samuel Dalton, of Hampton, or either of them, shall & heereby are empowred as comissioners to take the acknowledgments of deeds, to administer oathes in all ciuil cases, to put forth warrants, to search for stolen goods, to take notice & punish defects in watching, to punish drunkenes, excessiue drincking, and such like crimes of inferior nature, according to lawe, to bind ouer offendo<sup>rs</sup> to the County Court, to solemnize marriage to persons duely published, & all this during the Courts pleasure; & that Majo<sup>r</sup> W<sup>m</sup> Hawthorne, w<sup>th</sup> the associates of that county, to keepe the County Courts there for this yeare ensuing.

Cap<sup>t</sup> Pike &  
M<sup>r</sup> Sam. Dal-  
ton to admin-  
ister oath to  
binde ouer to  
County Court  
to solemnize  
marriage, &c,  
in Norfolke.

On a motion made on y<sup>e</sup> behalf of the toun of Hingham, Cap<sup>t</sup> Joshua Hubbard is appointed to take oathes in all ciuill cases, as any magistrat may doe.

Maj<sup>r</sup> Hathorn  
to keep y<sup>e</sup>  
County Courts  
y<sup>e</sup> yeare.  
Cap<sup>t</sup> Hubbard  
to adm<sup>n</sup>  
oathes.

The tounes of Northampton & Hadley being neere twenty miles from any magistrate or other power to give oathes in civil cases, on a motion made in theire behalfe, its hereby ordered, that M<sup>r</sup> Henry Clarke, of Hadley, shall & is hereby empowred to administer oathes in all ciuil cases in the sajd tounes.

M<sup>r</sup> Hen.  
Clarke to ad-  
minist. oaths in  
Northampton  
& Hadley.

On some complaints made to this Court about tanning of leather, notwithstanding all former provision which hath been made, for redress whereof it is hereby ordered, that M<sup>r</sup> Anthony Stoddard, Cap<sup>t</sup> Roger Clap, & M<sup>r</sup> W<sup>m</sup>

M<sup>r</sup> Stoddard,  
Cap<sup>t</sup> Clap, &c,  
a comitte<sup>e</sup> ab<sup>t</sup>  
tanning of  
leather.

1665.

3 May.

Parke shall & heereby are empowred as a comittee to make diligent inquiry concerning the grounds of such complaints, by examination of persons, or otherwise, & to drawe vp what they judge necessary to be donne in refference therevnto, & to present the same to the next sitting of this Court for consideration.

Maulden 1000  
acres layd out.

Att the request of the inhabitants of Maulden, as also in obedience vnto the grant of the honored Generall Court of the Massachusetts vnto the toune of Maulden for the benefit of the ministry of Maulden, layd out & exactly measured, according to rules of art, by me vnderwritten, one thousand acres of vpland & meadow, about two miles distant southwesterly from the southwest angle of Lancaster bounds, as also about a mile distant southwesterly from the lands formerly granted & layd out vnto Cap<sup>t</sup> Richard Dauentport, begining at the south end of a high, rocky, pine hill, at a litle red oake marked w<sup>th</sup> the letter M; & from thence a lje vpon an east southeast point, two hundred & twelue rods, vnto a pine marked M; & from the pine marked as aforesajd, a line vpon a south point, sixe hundred & forty rods; & from thence, a line vpon a west northwest point, three hundred & seventy rods; & from thence, on line vpon a north & by east point, sixe degrees easterly, six hundred & twenty rods; & these fower ljnes, so runne, making vp the full complement of the abouesajd one thousand acres, as is more plainly described by a plot; humbly entreating of this honored Court that they will be pleased to confirme their grant, & that this returne may be recorded.

THO: NOYES, Surveyor.

The Court approoves of this returne.

Henry Phillips  
ensigne.

[\*467.]

Comission &  
comission<sup>r</sup> of  
Northampton  
& Hadley.

Henry Phillips is allowed ensigne to Cap<sup>t</sup> Olliuers company.

\*There hauing been some alterations made by our last election in the comission granted to certaine gent<sup>men</sup> at Springfield, it is ordered, that the County Courts there from henceforth shall be kept & attended by Cap<sup>t</sup> John Pinchon, one of the magistrates, & for this present yeare, till associates in that county cann & shall be legally chosen as the lawe directs, by M<sup>r</sup> Henry Clarke, Lef<sup>t</sup> W<sup>m</sup> Clarke, & M<sup>r</sup> Elitzur Holioke, & Lef<sup>t</sup> Samuell Smith, who are hereby empowred to asist the sajd Cap<sup>t</sup> Pinchon in keeping the County Courts for Hampshire, or any three of them, Cap<sup>t</sup> Pinchon being one, & that the comissioners for smale causes in Northampton & Hadley continue in theire comissions in other respects as formerly, there being a cessation of the comission of the comissioners in Springfield, by Cap<sup>t</sup> Pinchons being a magistrate, to whose care & ouersight that tounes affaires doe properly belong.

The Court, hauing read the letters & other papers referring to the county of Yorke, doe judge it will be most seasonable to give further answer thereunto when the patent līne comes to be considered of, & doe accept & approve of what the council hath donne already.

In ans<sup>r</sup> to the petiōn of Vnice Cole, it is ordered, that she may haue hir liberty vpon hir security to depart from & abide out of this jurisdiction, according to the former fauor of this Court.

John Tuttle being chosen leiftenānt, & W<sup>m</sup> Haisy cornet, to the Three County Troope, the Court allowes & approoues of their ellection, & ordrs, that the secretary give them their cōmissions.

In ans<sup>r</sup> to the petiōn of Alice Thomas, the Court, considering of this petiōn, & finding that the petiōner is legally debarred for three yeares, & that the breaking in vpon those lawes made for the restreint of abuses in such houses may bring much guilt vpon the country, doe not judge it meet to grant hir hir request.

In the case betweene M<sup>r</sup> John Payne, plain<sup>t</sup>, ag<sup>t</sup> M<sup>r</sup> John Saffin, deffend<sup>t</sup>, the Court doe find for the plaintiffe costs of Courts, sixe pounds fūeteēne & fūe pence.

Whereas there are words charged on me by his majestjes honorable cōmissioners in this Court, either directly or by implication, which words I neuer spake, yet this I freely confesse, that I spake many words rashly, foolishly, & vnadvisedly, of w<sup>ch</sup> I am ashamed, & repent me of them, & desire all that tooke offence to forgiue me, as his majestjes cōmissioners haue ffreely done. 18 : 3<sup>m</sup>, 65.

W<sup>m</sup> HAUTHORNE.

This acknowledgment was read in open Court, & acknowledged by Major Hathorne.

There appearing no deputy this Court from the toune of Newbery, w<sup>ch</sup> this Court cannot but take notice of & declare against, & therefore doe hereby impose the fine of tenn pounds vpon the freemen of the sajd toune, to be paid to the Treasurer of the country, for such their neglect.

In ans<sup>r</sup> to the petition of John Scarlett, humbly declaring his great losse, occasioned by his being pilot to his majestjes cōmissioners shippes to the Monhatoes, loosing the opportunity of his voyage to Virginea, to which he was bound, &c, & humbly craving the fauor of this Courte to giue him some reasonable recompence for his service as may ease the burden of his losse, &c,

1665.

3 May.

Courts confirming y<sup>e</sup> counccills acts as to y<sup>e</sup> eastene papers, &c. Ans<sup>r</sup> to Vnice Coles pet.

Jn<sup>o</sup> Tuttle left, & W<sup>m</sup> Haisy cornet, to 3 County Troope. Ans<sup>r</sup> to Alice Thomas petiōn in y<sup>e</sup> negatiue.

Courts judgment in M<sup>r</sup> Payn & M<sup>r</sup> Saffins case.

18 May.

Major Hathorne acknowledges.

Newberys fine, x<sup>li</sup>.

Ans<sup>r</sup> to Jn<sup>o</sup> Scarlets petiōn.

1665.

18 May.  
Ans<sup>r</sup> to Tho.  
Arnolds peti-  
tion.

the Court judgeth it meete to grant him one hundred & fifty acres of land where it is to be had.

In ans<sup>r</sup> to the petition of Thomas Arnold, the Court judgeth it meete to declare, that the petitioner, if he find cause & judge it necessary, he may, by his petition to the County Court in Midlesex, obtejne his liberty of revejw.

[\*468.]

Title of declaration, M<sup>r</sup> Oliif Purchis to publish it, M<sup>r</sup> Tho. Bligh y<sup>e</sup> trumpet, &c. Y<sup>e</sup> declaration itself is at larg on record in the narrative pages. Comitte to ans<sup>r</sup> Secre<sup>t</sup> Morris letter, &c.

\*Itt is ordered, that this following title be prefixed to the declaration, i. e., A declaration by the Generall Court of his majestjes colony in the Massachusetts Bay in New England.

And it is hereby ordered & desired, that the declaration shallbe published by M<sup>r</sup> Oliuer Purchis, on horse backe, by sound of trumpet, & that Thomas Bligh, the trumpeter, & Marshall Richard Wajte accompany hjm, & y<sup>t</sup> in the close he say, w<sup>th</sup> an audible vojce, ‘God saue the king.’

M<sup>r</sup> Samuel Symonds, Major Eliaz<sup>r</sup> Lusher, Cap<sup>t</sup> Edward Johnson, & M<sup>r</sup> Anthony Stoddard are chosen a comitte to give answer to Secretary Morrisse his letter, & to consider what is further necessary to be donne in refference to what hath past betweene the honorable comissioners & this Court as it relates to England.

A present for the king.

This Court, accounting it theire duty, according to their poore ability, to acknowleg<sup>e</sup> their humble thanks to his maj<sup>ty</sup> for his many & continued gracious exp<sup>ss</sup>ions of his tender care & fatherly respect to his colony, doe order, that in the best com<sup>o</sup>modity that may be procured in this his colony, meete for transportation & accom<sup>o</sup>dation of his majestjes navy, to the value of five hundred pounds, the whole charge forthwith prepared & sent by the first oppertunity, & the Dep<sup>ty</sup> Go<sup>v</sup>nor, major<sup>r</sup> generall, Cap<sup>t</sup> Th<sup>o</sup> Clarke, M<sup>r</sup> W<sup>m</sup> Broune, Cap<sup>t</sup> George Corwine, M<sup>r</sup> Hezekiah Vsher, Cap<sup>t</sup> W<sup>m</sup> Daus, M<sup>r</sup> Jn<sup>o</sup> Hull, & Cap<sup>t</sup> Thomas Lake are hereby appointed a comitte to procure the sajd com<sup>o</sup>modity, & to take order for the transportation thereof, whose engagements shall be discharged by the Tresurer out of the next country rate.

Cap<sup>t</sup> Pinchon & Le<sup>f</sup> Wiltons dismission.

Vpon the motion of Cap<sup>t</sup> Pinchon & Le<sup>f</sup> David Wilton, on their vrgent occasions, the Court judgeth it meet to dismiss them the service of this sessions, & grants them liberty to repaire to their homes.

Col. Crounes farme lajd out.

Layd out, in the yeare 1663, by me, vnderwritten, & exactly measured according to rules of art, the fue hundred acres of land granted vnto the Hono<sup>bl</sup> Colonell W<sup>m</sup> Croune, in the yeare 1662, at a place neere the cold spring, neerevnto the roade w<sup>ch</sup> leadeth from Sudbury vnto Conecticot, on the south side of a branch of Sudbury Riuer, being about nine miles from the toune of Sudbury, at a place called by the Indians Magnaguncok Hill, begin-

ing at the south side of the said hill, & from thence a l<sup>j</sup>ne vpon a north north-west point three hundred rods, butting on a branch of Sudbury Riuer, & from thence a l<sup>j</sup>ne vpon a south southeast point by the riuers side three hundred & sixty rods, & from thence a circular line by the sajd riuer & by a brooke one hundred & sixty rods, a line from the sajd brooke vpon a west northwest point two hundred & forty rods, & from thence a l<sup>j</sup>ne vpon a south southwest point one hundred & fifty rods, & from thence a l<sup>j</sup>ne vpon a west northwest point one hundred thirty fower rods, ending where we begann, adding fower acres of meadow vpon the sajd brooke, & three acres of meadow joyning to the south l<sup>j</sup>ne of the sajd farme, & all w<sup>ch</sup> sajd land & meadow so butting & bounded, as is described by a plat vnder, make vp the full complement of the aboue sajd f<sup>i</sup>ue hundred acres. Signed

25 3<sup>d</sup>, 1665.

By THOMAS NOYES, Surveyor.

The Court approoves of this returne.

Mr Rich Russell, the secretary, Cap<sup>t</sup> Th<sup>o</sup> Clarke, Mr Houchin, & Left Foster are appointed a co<sup>m</sup>itte to p<sup>r</sup>vs<sup>e</sup> the publicke papers of concernment that are left by the late honored Go<sup>v</sup>no<sup>r</sup>, & to repaire to M<sup>rs</sup> Endecott for that end, & what they finde to bring to this Court, to be kept & jmproved for publick advantage.

Co<sup>m</sup>itte to  
p<sup>r</sup>vs<sup>e</sup> the late  
Go<sup>v</sup>no<sup>r</sup>'s pa-  
pers.

Mr Th<sup>o</sup> Danforth, the secretary, Mr Anthony Stoddard, & Cap<sup>t</sup> Johnson are appointed a co<sup>m</sup>itte to p<sup>r</sup>vs<sup>e</sup> all transactions w<sup>th</sup> his majesties co<sup>m</sup>is- sioners, & so to state them as may be best improoved by order of this Court to best advantage.

Co<sup>m</sup>itte to  
p<sup>r</sup>vs<sup>e</sup> y<sup>e</sup> Courts  
& co<sup>m</sup>issioners  
transactions.

\*The Court judgeth it meete, in remembrance of the good service of the late John Endecot, Esq<sup>r</sup>, Go<sup>v</sup>no<sup>r</sup>, & the condition of his relict, to order the Treasurer of the country to discharge the charge of wine, cakes, toombe, & poulder expended on the late funerall of the late Go<sup>v</sup>no<sup>r</sup>, & that M<sup>rs</sup> Endecot, his relict, be paid & satisfied out of the country treasury one hundred & sixty pounds, by æquall proportions, by the Tresurer, in f<sup>i</sup>ue yeares the whole; sixty pounds whereof was in consideration of hir expence of seventy pounds in mourning cloaths for himself, children, & family.

[\*469.]

Courts grati-  
ty to M<sup>rs</sup> Eliz.  
Endecott, rel-  
ict to y<sup>e</sup> late  
Gou., 169<sup>th</sup>.

This Court, taking into consideration the distracted condition of the people of the county of Yorkshire, occasioned by some persons presuming to clajme & excercise gouernment amongst them by a pretended power de- riuied from Ferdinando Gorges, Esq<sup>r</sup>; and whereas some other persons, also sworne to the go<sup>v</sup>ment of the Massachusets, and by the same entrusted in publicke employ, haue neglected their trust & former obligations, to the great

1665.

25 May.  
Order about  
the goſſing of  
Yorkshire.

offence of this gouernment, the Generall Court of the Massachusets doe hereby declare to all the good people, his majestjes subjects of the sajd county of Yorkshire, that they will still extend their gouernment ouer them as formerly, & that the County Courte at Yorke shall be held at the tyme appointed according to lawe & the custome of that county; & to that end doe hereby, in his majestjes name, will & require all the inhabitants of that county to remajne in their duty & obedjence to his majesty, in subjecting to the authority of this Court, that the peace be duely preserved & kept amongst all his majestjes good subjects there; doe also, in his majestjes name, require all & singular civill officers of what place so euer w<sup>th</sup>in the sajd county duely & faithfully to exercise & performe their respectiue dutjes w<sup>th</sup>out neglect of what belongs to each or any of their places; and if M<sup>r</sup> Edward Rishworth, the recorder of the sajd county, neglect or refuse his duty herein, this Court doth hereby depute & empower M<sup>r</sup> Peter Weare, of Yorke, to officiat in all things that belongs to the place of recorder of that county in due & legall preparation of all cases referring to the sajd County Court at Yorke, & so to continue vntill this Court shall take further order therein, according to law & the custome of that county. And ffurther, this Court doth informe the people of that county, that they intend to returne to his majesty an account of the reasons why they haue not rendered the gouernment of that county to the present agent or agents or comissioners of the sajd M<sup>r</sup> Gorge; & to that end, that his majesty may be fully informed, haue delivered to his majestjes hono<sup>r</sup>ble comissioners a map of their north bounds or ljne, w<sup>ch</sup> demonstrates the ground of their gouernment there, & that they intend not to decline their care ouer them, not doubting but what wee shall present to his maj<sup>ty</sup> will giue him full satisfaction concerning the justnes of our clajme thereto. And for the better carrying an end of the gouernment abou<sup>s</sup>d, M<sup>r</sup> Ezekiel Knight, of Wells, shall & is hereby im- powered to act as any one magistrate may doe during the pleasure of this Court. And further, it is ordered, that the secretary drawe coppies of this order, to be speedily conveyed to M<sup>r</sup> Peter Weare, aforesajd, who is required forthwith to send to each toun in that county one copie, & cause the same to be duely published.

And it is hereby further ordered, that on the publication of this order aboue written, at a generall toun meeting warned for that end, in case the said Edward Rishworth shall refuse to come there, or being there, shall not immediately engage himself to officiate as recorder for that county, as formerly he did before his late revolting from this gouernment, that then the sajd Edward Rishworth, by warrant in his majestjes name, from the sajd Peter Weare, estated recorder for the sajd county, be required to appeare before the

next County Court appointed to be held at Yorke, & there deliuer vp all the bookes of reccords, w<sup>th</sup> all other reccords & euidences \*in his hands to that county belonging into the hands of Peter Weare, recorder aforesajd, at his perrill; & for that end the County Court at Yorke is hereby required & impowred by all effectuall wayes & meanes to cause the order of this Court in all such respects to be performed.

1665.

25 May.

[\*470.]

Whereas (through diuine Providence) there is at present hostility betweene his majesty & the Hollander, & some intelligence that a squadron of their ships is intended westward, this Court doeth therefore order & comend the same to all the sea port townes, that their militjas doe respectiueley take care for the securing of theire townes, for the preventing any suddaine surprizall by the violence of the enemy.

Order to prevent injury from y<sup>e</sup> Hollander.

In ans<sup>r</sup> to the petiçon of Elizur Holioke, Nathaniel Ely, W<sup>m</sup> Branch, &c, of Springfield, the Court judgeth it meet to referr the determination of the case mentioned in the petiçon, respecting the Indians complaint ag<sup>t</sup> Sam<sup>l</sup> Marshfeild, about their lands by him possest, &c, to the County Court of that shier, to put such issue thereto in such a way as shall be most just & æquall, being hereby impowred therevntq.

County Court of Hampsh. to determine the differenc betwene the Indjans & Sam. Marshfeild.

In ans<sup>r</sup> to the petition of Alexander Laborne, the Court judgeth that the petitioner is to haue the benefit of the lawe, to be discharged out of prison, according to his desire, & be deliuered to the credito<sup>r</sup>s, to be sold or serue, he hauing taken his oath that he is not worth fiue pounds.

1 June, 65.  
Vide day booke.

The publicke occasions of the country requiring the secretarys necessary attendance, this Court judgeth it meete to adjourne the County Court adjourned vnto Tuesday next, shall be adjourned vnto the fiuteenth instant June, at eight of y<sup>e</sup> clock in the morning.

County Court adj<sup>d</sup> 15.

On request of Cap<sup>t</sup> Joshua Hubbard, for liberty to retajle strong waters, this Court doeth license him thereto, provided that he suffer none to tiple in his house, nor sell any but to masters of families of honest report, or to strangers for their supply in their journey; & this license to be annually renewed according to lawe.

Cap<sup>t</sup> Hulcence.

The Court judgeth it meet that the comittee for sending the letters & other writings for England take out the reasons conteyned in the larg writing extant in Court, referring to the justification of the north line, so farr as they judg meet, they being hereby impowred to improoue & send the same w<sup>th</sup> the rest.

Order impowring the comittee to take out y<sup>e</sup> reasons of north line patent.

It is ordered, that the Gouverno<sup>r</sup>, Deputy Gouverno<sup>r</sup>, Cap<sup>t</sup> Daniel Gookin, M<sup>r</sup> Thomas Danforth, Majo<sup>r</sup> Geñll Jn<sup>o</sup> Leueret, & the secretary be a comittee to pervse all the letters & writings of publick concernment that hath past this

Comittee to improue the Courts transactions, &c.

1665.

1 June.

Court in their transactions w<sup>th</sup> the hono<sup>r</sup>able co<sup>m</sup>missioners, & what is of public concern<sup>mt</sup> to be sent to England, & to take order for the sending of them to such persons as they, or the major part of them, shall judg meet; who are also impowred, or the major p<sup>t</sup> of them, to act in all things as they shall judg meete, to send for England by the first & second ships copies prepared to follow, that all may be improoved for this colonjes advantage.

Courts additionall recompenc to W<sup>m</sup> Hudson.

In ans<sup>r</sup> to the petition of W<sup>m</sup> Hudson for some addition relating to his expences in raysing of souldjers to goe to the Monhatoes, the Court judgeth it meet to grant the petitioner five pounds besides what he hath already received, to be payd him by the Treasurer of the country.

[\*471.]

Order to repair the batterjes, &c.

\*This Court being informed that the warr declared betweene his maj<sup>ty</sup> & the Dutch is very like to come to a hott dispute, & that the Dutch is saj<sup>d</sup> to send a squadron of their shipps westward, and forasmuch as the fortifications & great artillery in & about Boston are not in so good a capacity as is necessary for the honor of his majesty, the country, & publick safety, it is therefore ordered, that the major generall, w<sup>th</sup> the advice of the co<sup>m</sup>mittee of militia of Boston, doe take speciall care that the batterjes at Boston be forthwith compleated, & the great artillery sufficiently mounted vpon good & strong cariages, & provided of all convenient vtensills for them; and the major generall, w<sup>th</sup> the saj<sup>d</sup> co<sup>m</sup>mittees advice, is hereby impowred to impress such artificers & laborers as are necessary, charging bills on the Tresurer for the payment of one third part of their next country rate in Boston, being a single country rate for the yeare ensuing, as satisfaction for what they haue, by virtue of an order of the councill, bearing date 10<sup>th</sup> September, 1664, & for the finishing thereof they shall expend vpon the same; & the order of the councill is hereby confirmed, so as the worke be finished w<sup>th</sup>in the space of two months next.

Co<sup>m</sup>mittee to peruse his maj<sup>ty</sup>s co<sup>m</sup>missioners exceptions ag<sup>t</sup> our lawes.

His majestjes co<sup>m</sup>missioners presenting to this Court a paper of certeine objections ag<sup>t</sup> seuerall lawes & expressions in our lawes, & seuerall proposalls, w<sup>ch</sup> they co<sup>m</sup>ended to this Courts consideration, w<sup>ch</sup> are on file, the Court, being ready to breake vp, hauing satt long, judg<sup>d</sup> it meete to order & appoint the honored Gouverno<sup>r</sup> & Major Willard, w<sup>th</sup> M<sup>r</sup> Edward Collins, & M<sup>r</sup> Edward Jackson, & Ensigne Daniel Fisher, a co<sup>m</sup>mittee to peruse those exceptions w<sup>ch</sup> his majestjes co<sup>m</sup>missioners hath made against our lawes, & to consider what is necessary to be donne in order therevnto, & present the same to the Court.

Phineas Pratts  
300 ac's layd  
out, y<sup>e</sup> plot on  
file.

Layd out to Phineas Pratt, of Charls Toune, three hundred acres of land (more or lesse) in the wilderness, on the east of Merremack Riuer, neere

the vpper end of Nacooke Brooke, on the south east of it: it begins at a great sare pjue standing anent the midle of Nacooke Pond, & joyneth to the ljne of fue hundred acres of land lately granted to the toune of Billirrikey on the south of it ninety sixe pole, & so continues a streight ljne two hundred & sixe pole further vnto a white oake bounded w<sup>th</sup> P; from thence it turnes vnder the side of a great hill one hunderd fifty & two pole vnto another white oake marked with P, which stands on the north side of an other great hill, & on the south corner of a litle swampe; from thence it runns neere the west & by south two hundred pole to a great red oake, bounded as before; from thence the closing ljne to the first pine is two hundred & ninety pole: the exact forme of it, together w<sup>th</sup> the rule of finding the exact lines, is fully demonstrated by this inclosed plott taken of the same, 20 8 m, 1664.

1665.

1 June.

By JONATHAN DANFORTH, Survejo<sup>r</sup>.

The Court allows & approues of this returne.

Layd out to Captaine Richard Dauenport, of the Castle, one parcell of meadow, in the wilderness, on the east of Merremak Riuer, a litle on the northwest of Nacook Brooke head, w<sup>ch</sup> is about two miles from Merremake Riuer; it conteines fifty acres, more or lesse, bounded by a swamp on the north, the vpland elsewhere, according to bound trees marked w<sup>th</sup> D. This patch of meadow is knoune by the name of Half Moone Meadow. The forme of it is fully demonstrated by this plot, & layd out

Cap<sup>t</sup> Dauenports 50 ac's of meadow layd out, & gr<sup>d</sup> of 100 ac's vpland.

By JONATHAN DANFORTH, Survejo<sup>r</sup>.

In ans<sup>r</sup> to the petiçõn of Cap<sup>t</sup> Richard Dauenport, the Court doeth grant & allow of the returne of the meadow aboue expressed layd out to him, and doe further grant him one hundred acres of vpland adjoyning to his sajd meadow.

\*The comittee appointed to consider of the exceptions & aditions of the lawes given into this Court by the honorable comissioners doe conceiue that the proposalls therein conteyned cannot at present be issued, because that seuerall of them are of great concernment, & doe require more time then can be allowed this present session of Court, in respect the charter must be diligently perused; the things presented doe concerne the gouernment, both ciuil & ecclesiasticall. This Court hauing employed M<sup>r</sup> W<sup>m</sup> Reed, of Boston, together w<sup>th</sup> some other gentlemen of the Court, to draw vp an exact mapp of his majestjes colonje of the Massachusetts, which accordingly he hath effected, in consideration whereof this Court doeth order the country Treasurer to pay to the sajd M<sup>r</sup> Reed the sume of ten pounds, in the best pay that is in his hands,

[\*472.]

Comittees returne for ans<sup>r</sup>ing y<sup>e</sup> comissioners objections, &c.

M<sup>r</sup> Reeds recompence for y<sup>e</sup> map.

1665.

1 June.

vpon the deliuery of one draught more then he hath already given into this Court.

This Court, hauing duely considered of & perused the acts of the comissioners for the Vnited Colonjes, at Hartford on Conecticott, the first of September, 1664, doe hereby declare, they doe allow & approue of that act of the comissioners which declares the continuation of the articles of confederation on those terms & in that manner as in that act is declared, refference thereto being had amply appeares, so as Plimouth & Conecticott Generall Courts shall & doe certify vs their acceptance & allowance thereof; and the secretary is ordered, by the first oppertunity, to send a copy of the concession of this Court to the colonjes respectively.

Nathaniel Bishop, in behalf of his brothers estate, appeared, & engaged to respond y<sup>e</sup> judgm<sup>t</sup> of y<sup>e</sup> Court for two parts, & M<sup>r</sup> Edw<sup>d</sup> Ting for one pt. Y<sup>e</sup> parties apearng, y<sup>e</sup> case went on.

Capt<sup>t</sup> Clarke pl<sup>t</sup>  
ag<sup>t</sup> M<sup>r</sup> Edw.  
Ting & late  
Hen. Bishop  
defend<sup>t</sup>.

In the case of Capt<sup>t</sup> Thomas Clarke, plaintiffe, M<sup>r</sup> Edward Ting & y<sup>e</sup> late Henry Bishop, defend<sup>t</sup>, the Court finds for y<sup>e</sup> defend<sup>ts</sup> costs of Court.

Courts judgm<sup>nt</sup>  
ag<sup>t</sup> Sarah Roper.

In the case of Sarah Roper, comitted to prison on suspition of hir wickedly & feloniously burning the house of Major Genneřll Dennison, she hauing been indicted at y<sup>e</sup> Court of Asistants, & from thence coming to this Court, after all the euidence produced in the case were read & heard, the Court doe not find hir legally guilty of burning the house of y<sup>e</sup> sd Major Generall Dennison, for w<sup>ch</sup> she hath beene indicted, but doe finde hir legally guilty of seuerall thefts, for w<sup>ch</sup>, according to the lawe in that case provided, they doe adjudge the sajd Sarah Roper, by hirselfe or freinds, to pay vnto the sajd Major Generall Dennison the sume of thirtje one pounds nineteene shillings & three pence, abating what hath binn already pajd by himself or necessary, & be whipt w<sup>th</sup> tenn stripes, tomorrow, after the lecture, vpon hir naked body in Boston.

And whereas the sajd Sarah Roper hath also binn convicted of many notorious lyes, they doe also adjudge hir to be whipt againe at Ipswich, vpon hir naked body, as before, w<sup>th</sup> tenn stripes, at the end of one moneth from the time of hir first whipping, & stands comitted till the sentence be performed.

Courts sen-  
tence of Jn<sup>o</sup>  
Euered aljas  
Webb.

Capt<sup>t</sup> Jn<sup>o</sup> Euered aljas Webb, being a deputy of the Court, & openly convicted by his oune confession of a course & tract of wanton & shamefull dalljance w<sup>th</sup> Elizabeth Frost, his wiues neece, euen to the comitting of the act of vncleanes, had not some imediately come in to prevent it, especially at the house of Jn<sup>o</sup> Vialls, on y<sup>e</sup> 8th of this instant, w<sup>ch</sup> sinnes greatly increase among vs, to the dishono<sup>r</sup> of God & provocation of his great displeasure, the Court sentenct him to pay twenty pounds as a fine to y<sup>e</sup> country, & be

discharged the Court & his commissions for civil & military trust, & to stand disfranchised, & all during the pleasure of this Courte, & give bond w<sup>th</sup> sufficient sureties to the value of one hundred pounds for his good abearing during the pleasure of this Court, & stand committed till the sentence be performed. ~ ~ ~ Jn<sup>o</sup> Euered alias Webb in open Court acknowledged themselves jointly & seuerally bound in one hundred pounds to the Tresurer of the country, on condition that Jn<sup>o</sup> Euered alias Webb shall be of good behaviour towards all men during this Courts pleasure.

1665.

May session

Here follows the seuerall transactions passing betweene his majestys honorable commissioners & the Generall Court & councill, accordinge to what the Court ordered to be recorded.

\*A breife narrative of the late negotiation betweene his majesties colony of the Massachusetts & the honorable Colonell Richard Nicolls, Sr Robert Carr, Kn<sup>t</sup>, George Cartwright, & Samuell Mauerrick, Esq<sup>s</sup>, his majesties commissioners. [473.]

The Generall Court of the Massachusetts being assembled at Boston the 18th of May, 1664, information was given them that they might suddainly expect the arriual of some of his majesties ships, w<sup>th</sup> commissioners, to vissit his majesties colonyes in these parts of America. Information of his majties commissioners coming.

Vpon which intelligence the Court appointed two gentlemen, whose habitations are in Boston, the cheife maritime toune of that colony, on the arriual of the said commissioners, to wayte on them, & present them w<sup>th</sup> the Courts service & respects, together with such civilties as the people & place were capable of. Cap<sup>t</sup> Oliuer & Cap<sup>t</sup> Daus appointed to present y<sup>e</sup> Courts service to them at their entrance in our harbor.

July 23<sup>d</sup>, 1664, Colonel Richard Nicolls & George Cartwright, Esq<sup>s</sup>, about five or sixe of the clocke at night, being Saturday, just before the Saboath, arrived at Boston, & on their reception manifested their desires that the council might without delay be assembled, which, by order from the Gouverno<sup>r</sup>, was accordingly donne, and July 26, 1664, the councill assembled together, & courteously enterteyned his majesties honorable commissioners, who presented the Gouverno<sup>r</sup> & council w<sup>th</sup> his majesties letter to them directed, dated the 23<sup>d</sup> April, 1664, & their commission vnder the broad seale of England, bearing date the 25th of the said Aprill, 1664, with that part of his majesties instruction referring to the reducing of the Dutch at the Monhatoes, true copies whereof are here incerted in the order as they were presented & read before the councill. Colonel Rich. Nicolls & Georg Cartwright, Esq., arriual. Their desir of a councill. A councill called & assembled. His majty letter & y<sup>e</sup>r commissio presented.

1665. Charles R.

May session.  
His maj<sup>ty</sup>  
letter.

Trusty & wellbeloued, wee greete yow well. Having taken very much to heart the welfare & aduancement. of these our plantations in America, & particularly that of New England, which in trueth hath given a good example of industrje & sobriety to all the rest, whereby God hath blessed it about the rest, & having in our royall breast a tender impatience to make vse of Gods extraordinary blessing vpon us & our subjects in those parts, by improouing the knowledge of him & his holy name in the conuersion of infidells & pagans, which ought to be the cheife end of all Christian plantations, wee haue thought fitt, since wee cannot in person vissit those our so distant dominions, the good gouernment whereof, & the due administration of justice wherein, wee doe notwithstanding know to be as much our duty as that which concernes our neerest kingdome, to send such comissioners thither as may in our name vissit the same, & after hauing taken a vjew of the good gouernment there, & receiued full information of the true state & condition of that our plantation, & of their neighbours on all sides, & a due consideration of *\*of*

[\*474.]  
His maj<sup>ty</sup> resolution to send comissioners to vissit his plantations in New England.

what further addition of happiness may be made by our royall grace & fauour to those our people, may represent the same at their returne to us in such a manner, as wee may in a manner euen behold & take a vejw ourselfe of those our dominions & our good subjects there, & thereby make the better judgment what wee are to doe, either for the better repaying of any thing that is amisse, or the better jmprooving & encouragement of what is good; and as wee haue had this resolution & purpose since our first happy arriual in England to send comissioners, as is well knoune to the comissioners that came from thence to vs, so wee haue had many reasons occur since to confirme us in that resolution, & to hasten the execution thereof, some of which wee think fit to mention to yow.

1.  
To discountenance & supresse vnreasonable jealousies, &c.

To discountenance, & as much as in us lieth, to suppress & vtterly extinguish those vnreasonable jealousies & malicious calumnies w<sup>ch</sup> wicked & vnquiet spirits perpetually labor to infuse into the minds of men, that our subjects in those parts doe not submit to our gouernment, but looke vpon themselves as independent vpon vs & our lawes, & that wee haue no confidence in their affections & obedience to us, all which lewd aspersions must vanish vpon this our extraordinary & fatherly care towards those our subjects, manifested in the seuerall instructions given to our comissioners, w<sup>ch</sup> shall by them be comunicated to yow, & which will exceedingly advanc the reputation & security of our plantation there, & our good subjects thereof, w<sup>th</sup>all forreigne princes & states, when they shall heereby plainly discern that wee doe looke vpon any injury done to them as done to ourselfe, & vpon any

invasion of our dominions in those parts, or of the priviledges of our subjects thereof, & that wee will resent & vindicate the same accordingly.

That all our good subjects there may know, as wee haue formerly assured you by our gracious letters, how farr wee are from the least intention or thought of violating, or in the least degree infringing, the charter heretofore granted by our royall ffather, of blessed memory, w<sup>th</sup> great wisdome & vpon full deliberation, so wee haue great reason to belive & to be assured that the support & maintenance thereof is at present as necessary as euer; and therefore, as wee haue formerly expressed to you, wee are very willing to confirme or renew the sajd charter, & to inlarge the same w<sup>th</sup> such other or further concessions as vpon the experience you haue had, & the obseruation yow haue made, you judge necessary or convenient for the good & benefit of that our plantation.

That all differences may be composed which are arisen betwixt our seuerall colonjes vpon the bounds & limits of their seuerall provinces, & vpon the excercise of their seuerall jurisdictions, whereof \*wee haue received much information & seuerall complaints, it being as much in our desier to preserue & improoue a good intelligence & correspondence betweene all our good subjects of those our seuerall colonjes & prouinces, betweene & towards each other, as to vnite them all in a joint dependance & firme loyalty to ourselfe, which will be best donne by a full & cleere determination of the extent & bounds of each province, & of their jurisdiction, in which some confusion hath fallen out, as wee are informed, by some seeming contradictions or doubtfull expressions in seuerall letters patents, vpon the wrong information or vnskillfull description of places by persons concerned there to prosecute such grants, which mistakes & errors could not be discovered here; all which will be easily reconciled by our comissioners vpon the place, either by & with the consent of all partjes, or by a just determination vpon the matter of right or representation to vs in cases of difficulty.

That wee may receive full & particular information of the state & condition of the neighbour princes to our seuerall colonjes, from some of whome wee haue received addresses of great respect & ciuilitje, not w<sup>th</sup>out some complaint, or at least insinuation, of some injustice or hard measure exercised towards them from our colonjes, to which princes wee haue appointed some of our comissioners, if vpon information & aduice there they shall finde it necessary for the advancement of our seruice & the benefit of our sajd plantations, to repaire in person in our name, and to assure them of all freindship from vs, & that wee will protect them from injustice & oppression.

That wee may protect our subjects of our seuerall plantations from the invasion of their neighbours, & provide that no subjects of our neighbour

1665.

May session.  
2<sup>dy</sup>.

To assure his subjects heer of his resolution not to infringe the liberty of their charter, &c.

3<sup>dy</sup>.

To compose all differences betwixt y<sup>e</sup> colonjes, &c.

[\*473.]

4<sup>dy</sup>.

That his maj<sup>ty</sup> might fully vnderstand the estate of y<sup>e</sup> Indians, &c.

5<sup>dy</sup>.

To protect his subjects of his sefill plantations from the invasion of their neighbours, &c.

1665.

May session.

nations, how alljed soeuer w<sup>th</sup> vs, may possess themselues of any lands or riuers w<sup>th</sup>in our territorjes & dominions, as wee are informed the Dutch haue lately done, to the great prejudice of our good subjects of those our plantations, & to the obstruction of the trade, which in time may prooue very mischeivous to our good subjects there, and therefore wee cannot but be confident, that, when our co<sup>m</sup>missioners haue jmparted vnto you our pleasure in this particcular, & the benefit & advantage which, with Gods blessing, must acrew to yor<sup>s</sup>elues from the same, besides the preventing many growing inconveniences to your peace and prosperity, you will joyne & asist them vigorously in recouering our right in those parts now possessed by the Dutch, & reducing them to an entire obedjence & submission to our gouernment; in which case our desire & pleasure is, that they should be treated as neighbours & fellow subjects, & enjoy quietly what they are possessed of by their honest industry.

67.

To confer abt  
his maj<sup>ty</sup> lette.  
June 28, 1662,  
&c.

Lastly, wee thought it better that co<sup>m</sup>missioners should conferr w<sup>th</sup> yow vpon the matter of our former letter of June 28<sup>th</sup>, 1662, sent to you by your oune messengers, & your answer therevnto of the 25<sup>th</sup> of Nouember following, then to enlarge ourselfe vpon our exceptions therevnto, of which wee shall only say that/the same did not answer our expectations, nor the professions made by your sajd messengers; but wee make no doubt but that, when the co<sup>m</sup>missioner shall conferr at large w<sup>th</sup> yow vpon those particulars, you will give vs satisfaction in all that wee looke for at your hands, which is nothing but what your charter obleigeth you to, and which is most necessary for the support of our gouernment \*there, & consequently for the welfare & happinesse of those colonjes. Having now imparted to you the most important reason w<sup>ch</sup> prevajled w<sup>th</sup> vs to be at this extraordinary charge in sending co<sup>m</sup>missioners to vissit those our colonjes, & having chosen persons of knoune affection to our service, & of long experience, to be our co<sup>m</sup>missioners to the ends aforesajd, wee doe not doubt at all but that yow will receive & treat them in such a manner, & w<sup>th</sup> such respect, as is due to persons so imployed by vs, & that yow will freely co<sup>m</sup>unicate all things to them which shallbe necessary for the better carrying on our seruice, & that yow will giue them your best counsell & assistance for the better bringing those things to passe which wee haue recomended to them; & to that purpose, & that the cleare end & intention in sending those our co<sup>m</sup>missioners may speedily appeare, and be made manifest to all our subjects in those parts, our pleasure is, that this our letter be forthwith, vpon the receipt thereof, co<sup>m</sup>unicated to our council there, & that w<sup>th</sup>in twenty dajes, or sooner, if it may be, a generall assembly be called, and this our letter read to them, to the end our co<sup>m</sup>missioners may receive their information & advice in many things; & so, expecting a full compljenc to all those our

[\*476.]

desires, wherein the happines of that our colony is so much concerned, wee bid yow farewell. Given at our court at Whitehall, the 23<sup>th</sup> day of Aprill, 1664, in the sixteenth yeare of our reigne.

1665.

May session.

C. R.

By his majesties comānd,

HENRY BENNET.

Superscription was:—

To our trusty & wellbeloued the Goſno<sup>r</sup> of our colony of the Massachusetts in New England, to be comūicated to our councill there.

His majesties comiſſion to the ſd gen<sup>tn</sup> ffolloweth.

Charles the Second, by the grace of God King of England, Scotland, France, & Ireland, Defender of the Faith, &c. To all to whom these presents shall come greeting. Whereas wee haue received seuerall addresses from our subjects of seuerall colonjes in New England, all full of duty, & affection, & expressions of loyalty & alleageanc to vs, w<sup>th</sup> their humble desires that wee would renew their seuerall charters, & receive them into our favorable opinion & protection; & seuerall of our colonjes there & other our loving subjects haue likewise complained of differences & disputes arisen vpon the limits & bounds of their seuerall charters & jurisdictions, whereby vnneighborly & vnbrotherly contentions haue & may arise, to the damage & discredit of the English jnterest, & that all our good subjects residing there, & being planters w<sup>th</sup>in the seuerall colonjes, doe not enjoy the libertjes & priuiledges granted to them by *by* our seuerall charters, vpon comfidence & assurance of which they transported themselues & their estates into those parts. And wee, hauing receaued some addresses from the great men & natiues of those countrjes, in which they complaine of breach of faith, & acts of violence & injustice w<sup>th</sup> they haue beene forced to vndergoe from our subjects, whereby not only our \*gouernment is traduced, but the reputation & credit of Christian religion brought into prejudice & reproach w<sup>th</sup> the Gentiles & inhabitants of those countrjes who know not God, the reduction of whom to the true knowledge & feare of God is the most worthy & glorious end of all those plantations. Vpon all which motiues, & as an euidence & manifestation of our fatherly affection towards all our subjects in those seuerall colonjes of New England, (that is to say, of the Massachusetts, Conecticut, New Plimouth, Road Island, & the Prouidence plantation,) and all other plantations w<sup>th</sup>in that tract of land knoune vnder the appellation of New England, and to the end wee may be truely informed of the state & condition of our good subjects there, that so wee may the better know how to contribute to the further improouement of

[\*477.]

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Copie of his  
majesties com-  
missio.

their happinesse & prosperity, know yee, therefore, that wee, reposing especial trust & confidence in the fidelity, wisdom, & circumspection of our trusty & well beloued Colonel Richard Nicolls, Sr Robert Carr, Knt, George Cartwright, Esquire, & Samuel Mauerick, Esq, of our special grace, certeine knowlege, & meere motion, haue made, ordeyned, constituted, & appointed, & by these presents doe make, ordeyne, constitute, & appoint the said Colonell Richard Nicolls, Sr Robert Carr, George Cartwright, & Samuel Mauerick our commissioners; and doe hereby give & grant vnto them, or any three or two of them, or of the survivors of them, of whom wee will the said Colonell Richard Nicolls during his life shall be alwayes one, & vpon æquall diuisions of opinions to haue the casting & decisiue voyce; in our name to vssit all & euery the seuerall colonjes aforesaid, & also full power & authoritie to heare, & receive, & examine, & determine all complaints & appeales in all causes & matters, as well military as criminall & ciuill, & proceed in all things for the providing for & settling the peace & security of the said country, according to their good & sound discretions, and to such instructions as they or the survivors of them haue or shall from time to time receiue from vs in that behalfe from time to time shall finde expedient, to certify us, or our priuy council, of their actings & proceedings touching the premisses; & for the doeing thereof, or any other matter or thing relating therevnto, these presents, or the enrollment thereof, shall be vnto them & euery of them a sufficient warrant & discharge in that behalfe. In witnes whereof, wee haue caused these our letters to be made patents. Witness ourself at Westminster the five & twentieth day of Aprill, in the sixteenth yeare of our reigne.

This paper was deliuered to me, vnderwrit, as a true copie of his majties originall commission, directed to Colonell Richard Nicolls, &c, but not being subscribed by any, was on the 2<sup>d</sup> of May, 1665, in presenc of & by direction of the said Colonell Richard Nicolls, Sr Robt Carr, & Samuel Mauerick, Esq, in open Generall Court, compared by the said originall commission, w<sup>ch</sup> was read by one of their servants. As attests,

EDW: RAWSON, Secret.

[\*478.]

\*Here followes the second instruction, being part of his majesties instruction relating to the Dutch:—

2<sup>o</sup>.  
Also, reducing  
the Dutch  
neere to Long  
Island.

Yow shall, after all ceremonjes are performed, & in the first place of all buisness, & before yow enter vpon any other particular, discourse at large & with confidence to them all that wee ourself haue discoursed w<sup>th</sup> yow of

reducing the Dutch in or neere Long Island, or any where w<sup>th</sup>in the limits of our oune dominions to an entire obedience to our gouernment. They willbe easily informed of the consequence of such neighbour good, if they be long suffered to rajse a gouernment of their oune; that besides their being a constant receptacle & sanctuary for all discontented, mutious, & seditious persons, who fly from our justice as malefacto<sup>r</sup>s, or who runne from their masters, or avoyd paying their debts, or who haue any other wicked designe, as soone as they shall grow to any strength or power, their business is to oppresse their neighbours, & to engrosse the whole to themselues, by how indirect, vn-lawfull, or fowle meanes soeuer. Witness their inhumajne proceedings at Amboyna, in a time of full peace, & all professions of particular loue & freindship; and therefore it is high time to put them out of a capacity of doing the same mischeife there, & reducing them to the same rules & obedience w<sup>th</sup> our oune subjects there; which yow are to let them know is all wee ajme at, w<sup>th</sup>out any purpose of vsing any other violence vpon or towards them then are necessary to those ends; & that no man shall be disturbed or remooued from what he possesseth. Who will yeild obedience to vs, & liue in the same subjection & vpon enjoying the same priuiledges w<sup>th</sup> our other subjects, and in order to this good end, of so great & imediate concernment to them, yow shall desire their advice & concurrence, & that they will asist yow w<sup>th</sup> such a number of men & all other things as are necessary therevnto; & yow shall therevpon proceede in such manner as yow shall thinke it fitt, either by building of fortes about them, or by vsing such force as cannot be avoyded ffor their reduction; they having no kind of right to hold what they are in possession of in our vnquestionable territorjes, then that they are possessed of it by an invasion of us.

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## The comissioners proposalls.

In obedience to his majestjes comānds for the more effectuall meanes of reducing the Dutch, who haue, contrary to all right & justice, vsurped, and are now possessed of his majestjes dominions in & neere adjoyning to Hudsons Riuer, in America, wee doe, in his majestjes name, propose to the Gouvernor & councill of his majtjes colonje of the Massachusetts Bay as followeth:—

His majesties  
comissioners  
proposalls.

. That they will make an act to furnish vs w<sup>th</sup> such a number of men, armed, as they can spare, & that they may beginne their march on the twentieth day of August next, if in the meane time wee find that we can prevajle, by treaty or by other assistance \*of his majestjes subjects neerer the place wee promise to giue them an account, and to stop the further charge & expensse of the men, & sooner wee aske them not, that the objection of

1665. time may be taken away ; which act wee conceive will be a signall testimony  
 of their compljance w<sup>th</sup> his majestjes affaires, & of great honor to this colony  
 & of good example to all the rest. July 27, 1664.

May session.

RICHARD NICCOLLS,  
 GEORGE CARTWRIGHT.

The council, after some deliberation, gaue their answer to the abouesajd  
 proposall, in writing, a copie whereof here ffolloweth : —

Boston, in New England, 27<sup>th</sup> July, 1664.

Councils ans<sup>r</sup>  
 to the comis-  
 sion's propo-  
 sall.

In ans<sup>r</sup> to a proposition made by the hono<sup>r</sup>ble Colonel Richard Niccolls  
 & Colonel George Cartwright, in his majestjes name, for assistance in his  
 majestjes service for the reducing of the Monhatoes, by raysing & furnishing  
 a number of souldjers, to beginn their march on the twentieth of August next,  
 if in the meane tjme the sajd gentlemen shall not see cause to discharge them  
 & stay their further progresse, the council now assembled being very  
 desirous to testify their loyalty to his majestje, & readines to promote the  
 interest of the English nation, haue passed an act requiring the Generall Court  
 of this colony to assemble together at Boston, the third of August next, to  
 whom we shall comūicate his majestys letter & this abouesajd proposall  
 for their advice, asistance, & concurrence therein.

By the council, EDW: RAWSON, Secrety. •✱

Comissioners  
 returne.

On deliuey whereof, the comissioners manifested themselues not well  
 sattsified w<sup>th</sup> the counccills act, & informed the Gouvernor & council that there  
 was yet many more things w<sup>ch</sup> they had in charge from his majesty to signify  
 to them, which worke they would attend at their returne from the Monhatoes,  
 & comēded to the Court that in the meantime they would further consider  
 of his majestjes letter to this colony, June twenty eight, sixteene hundred  
 sixty & two, & give a more satisfactory answer to his majesty concerning the  
 same then formerly, a copy whereof here followeth : —

Copie of his  
 maj<sup>ty</sup>s letter of  
 June 28, 1662.

Charles R.

Trusty & wellbeloved, wee greete yow well. Whereas wee haue lately  
 received an humble addresse & petition from the Generall Court of our colony  
 of the Massachusets in New England, presented vnto vs by Symon Brad-  
 streete & John Norton, wee haue thought it agreeable to our princely grace &  
 justice to let yow know that the same hath beene very acceptable to vs, & that  
 wee are well satisfied with those expressions of loyalty, duty, & good affection

made to vs in the sajd addresses, which wee doubt not proceede from the hearts of our good subjects; and wee are therefore willing that all our good subjects of that plantation doe know that wee doe receive them into our gracious protection, & will cherish them with our best encouragement, and that wee will preserve & doe hereby confirme the patent & charter heretofore granted vnto them by our royall ffather, of blessed memory, & that they shall ffreely enjoy all the priuiledges & & libertjes granted to them in & by the same, & that wee will be ready to renew the same charter to them, vnder our great seale of England, whensoever they shall desire it. And, because the license of these late ill times hath likewise had an influence vpon that our colony in which they may haue swarued from the rules prescribed, & euen from the gouernm<sup>t</sup> that was instituted by the charter, which wee doe graciously impute rather to the iniquity of that tyme then to the euill intention of the hearts of those who exercised the gouernm<sup>t</sup> there; and wee doe therefore hereby publish & declare our free & gracious pardon to all our subjects of that our plantation for all crimes & offences comitted against vs during the late troubles, excepting only such persons who stand attainted by our Parljam<sup>nt</sup> here of high treason; if any such persons haue transplanted themselves into those parts, the apprehending of whom, & the transporting into this kingdome, & deliuering them into the hands of justice, we doe expect from the duty, affection, & obedience of our good subjects of that our colony, if they are found w<sup>th</sup>in the limits & jurisdiction thereof, \*provided alwayes, and jt being our declared expectation, that, vpon a revjew of all such lawes or ordinances as are now, or haue been during these late troubles, in practise there, & which are contrary & derogatory to our authority & gouernment, the same may be annulled & repealed, & the rules & prescriptions in the sajd charter for the administration & taking the oath of allegeance be henceforth duely observed, & that the administration of justice be in our name; and, since the principall end & foundation of that charter was & is the freedome & liberty of conscience, wee doe hereby charge & require that that freedome & liberty be duely admitted & allowed, so that such as desire to vse the Booke of Comon Prayer, & performe their deuotions in that manner as is established here, be not debarred the exercise thereof, or vndergoe any prejudice or disadvantage thereby, they vsing their liberty w<sup>th</sup>out disturbanc to others, & that all persons of good & honest liues & conuersations be admitted to the sacrement of the Lords supper, according to the Booke of Comon Prajer, & their children to baptisme. / Wee cannot be vnderstood hereby to direct or wish that any indulgence should be granted to those persons comonly called Quakers, whose being inconsistent w<sup>th</sup> any kind of gouernment. Wee haue found it neces-

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His maj<sup>ty</sup> acceptance of y<sup>e</sup>  
Courts exp<sup>re</sup>s-  
sions of y<sup>e</sup>ir  
duty, &c.

His maj<sup>ty</sup> con-  
firmacion of y<sup>e</sup>  
patent &  
promise to re-  
new the same.

His maj<sup>ty</sup> gra-  
cious charity,  
&c.

His gracious  
pardon of all  
crimes during  
ye late ill  
times, &c., ex-  
cepting p<sup>er</sup>sons  
attainted of  
high treason,  
&c.

His expecta-  
tion of their  
apprehension, if  
found here.

The proviso.

[\*480.]

The end of y<sup>e</sup>  
charter liberty  
of conscience.

That it be due-  
ly admitted,  
&c.

It being vsed  
w<sup>th</sup>out disturb-  
anc to others,  
p<sup>er</sup>sons of good  
life & confesa-  
cion to be ad-  
mitted to y<sup>e</sup> L<sup>ds</sup>  
supper & y<sup>e</sup>  
children to  
baptisme, &c.

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No indulgence  
to Quakers,  
but sharp lawes  
to be made agt  
them.  
Not exceeding  
18 Asistants  
nor less then  
ten.

Election of  
Gou. & Asist-  
ants to be  
chosen for their  
virtue & integ-  
rity, &c.

Persons not  
vitious in life  
& orthodox  
in religion to  
vote in elec-  
tions, &c.

This letter to  
be communi-  
cated & pub-  
lished to y<sup>e</sup>  
people.

sary, by the advice of our Parljamēt here, to make sharpe lawes against them, and are well contented that yow doe the like there. Although wee haue hereby declared our expectation to be, that the charter granted by our royall ffather, & now confirmed by vs, shall be punctually observed, yet if the number of the Asistants enjoyned thereby be found by experience & be judged by the people to be inexpedient, (as wee are enformed it is,) wee doe then dis-  
pence w<sup>th</sup> the same, & declare our will & pleasure herein for the future to be, that the number of the sajd Asistants shall not exceed eighteene, nor be lesse at any time then tenn. Wee assuring ourself, & obleiging & comāding all persons concerned, that, in the election of the Gouvernor or Asistants, there be only consideration had of the wisdome, virtue, & integrity of the persons to be chosen, & not of any affection w<sup>th</sup> reference to their opinions & outward professions, & that all the freeholders of competent estates, not vitious in conversacōn & orthodoxe in religion, (though of different persuasions concerning church gouernment,) may haue their votes in the election of all officers, both ciuill & military. Lastly, our will & pleasure is, that, at the next Generall Court of that our colony, this our letter & declaration be comūnicated & published, that all our loving subjects w<sup>th</sup>in that our plantation may know our grace & favour to them, and that wee doe take them into our protection as our loving & dutifull subjects, and that wee willbe ready, from time to time, to receive any aplication or addresse from them which may concerne their interest & the good of that our colony; and that wee will advance the benefit & trade thereof by our vtmost endeavors & countenance, presuming that they will still merrit the same by their duty & obedience. Given at our court at Hampton Court, the 28<sup>th</sup> day of June, in the fowerteenth yeare of our reigne, 1662.

By his majestjes comānd,

EDW: NICHOLAS.

August the 3<sup>d</sup>, 1664.

Courts resolu-  
tion to beare  
faith & true  
allegiance to  
the king, & ad-  
here to y<sup>e</sup>ir  
patent, &c.

Courts resolve  
to asist w<sup>th</sup>  
men in his  
maj<sup>ty</sup> service  
agt y<sup>e</sup> Dutch.

The Generall Court assembled where his majestjes letters, comīssion, & instruction, w<sup>th</sup> the proposall therevpon, as before recited, were againe openly read, and the Court was informed of that which the comīssioners signified to the council relating to his majestjes letter, June 28, 1662, all which were at large debated by the whole Court, the result whereof was, that this Court doeth expresse & declare that it is their resolution, God asisting, to beare faith & true allegeance to his majestje, & to adhere to their patent, the dutjes & priuiledges thereof so dearely obteyned, & so long enjoyed by vndoubted right in the sight of God & men.

The quæstion being put whither this Court will send any supply of men

to asist his majesties forces against the Dutch in the present designe, the Court resolved it on the affirmative.

\*And ordered that there shallbe voluntary souldjers raysed in this jurisdiction for his majestjes service against the Dutch, not exceeding the number of two hundred, to be ready to march by the twentjeth of this instant, the charge at present to be disbursed by the county Treasurer.

And proceeded to nominate & comissionate captains, leifts, & other officers, & ordered as aboue the Treasurer to disburse monys out of the publick treasury of the colony for the encouragement of the sajd volunteers, & for their supply of victualls & amūnition, all which being thus agreed vpon, the Court dispatcht away two gentlemen as their messengers to the comissioners, by that time supposed to be arrived neere to or before the Monhatoes, in distance from Boston nere, if not altogether, two hundred miles, to informe them of the Courts proceeds as to their supply; and although there was no order given by the comissioners for the souldjers thus listed to march from Boston, the Dutch voluntarily surrendering vp that place, & articles agreed vpon betweene them, yet in this expedition there was expended out of the publick treasury of this colony (for the encouragement of the souldjers listed, their maintenance vntill discharged, & for their provission & amūnition, together w<sup>th</sup> payments made to such as were sent w<sup>th</sup> their ships to pilot them into the harbor) two hundred twenty two pounds tenn shillings.

And in reference to his majestjes letter, June 28<sup>th</sup>, 1662, the Court then assembled passed an order, a copie whereof here followeth:—

In ans<sup>r</sup> to that part of his majestjes letter of June 28<sup>th</sup>, 1662, concerning admission of freemen, this Court doeth declare, that the lawe prohibiting all persons except members of churches, & that also for allowance of them in any County Court, are heereby repealed, and doe heereby also order & enact, that from henceforth all Englishmen presenting a cirtifficat vnder the hands of the ministers or minister of the place where they dwell, that they are orthodox in religion, & not vitious in there liues, & also a cirtifficat vnder the hands of the selectmen of the place, or of the major part of them, that they are ffreeholders, & are for their oune propper estate, w<sup>thout</sup> heads of persons, rateable to the country in a single country rate, after the vsuall manner of valuation in the place where they liue, to the full value of tenn shillings, or that they are in full comūnion w<sup>th</sup> some church amongst vs, it shall be in the liberty of all & euery such person or persons, being twenty fower yeares of age, householders, & setled inhabitants in this jurisdiction, from time to time to present themselues & their desires to this Court for their admittance to the freedome of this comōn wealth, & shallbe allowed the priuiledge to haue such their

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[\*481.]

Order to raise  
200 volunteers  
ag<sup>t</sup> y<sup>e</sup> Dutch.Capt<sup>s</sup>, left<sup>s</sup>,  
&c, nominated  
for y<sup>e</sup> Dutch  
expedition.

Their charge.

Courts ans<sup>r</sup> to  
y<sup>t</sup> pt of his  
maj<sup>ty</sup> letter,  
June 28: 62,  
respecting non  
freemen.

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Other p<sup>ts</sup> of s<sup>d</sup>  
letter to be  
considered of  
at y<sup>e</sup> co<sup>m</sup>missio<sup>n</sup>  
returne.

The co<sup>m</sup>mis-  
sion<sup>rs</sup> dep<sup>t</sup>ure  
fro Boston, &  
not co<sup>m</sup>unicat-  
ing his maj<sup>ty</sup>  
instruc<sup>on</sup>.

Distastfull car-  
riages & words  
fell from M<sup>r</sup>  
Mauricke.

[\*480.]

S<sup>r</sup> Rob<sup>t</sup> Carrs  
satisfys y<sup>e</sup> peo-  
ple, &c.

The minds of  
y<sup>e</sup> people, un-  
der a senc of  
sad events, so-  
licitous for  
their enjoym<sup>ts</sup>.

Court resolves  
to make an  
addresse.

Courts ad-  
dresse to his  
majesty.

desire propounded & put to vote in the Generall Court for acceptanc to the free-  
dome of the body politicque by the sufferage of the major part, according to  
the rules of our patent, leaving other parts of the sajd letter to be further  
considered at the returne of the co<sup>m</sup>missioners from the Monhatoes.

And the co<sup>m</sup>missioners, departing from Boston imēdiately before the sitting  
of the Generall Court, left a copie of his majestjes co<sup>m</sup>mission w<sup>th</sup> the council,  
but were not pleased to present either the councill or Court, when met, w<sup>th</sup> a  
sight of his majestjes farther instructions, directing & l<sup>i</sup>mitting them in the  
excercise of their co<sup>m</sup>mission in this colony, w<sup>ch</sup>, w<sup>th</sup> some words & carriages  
that were distastfull to the people, that fell from some of them, & in particu-  
lar from M<sup>r</sup> Samuell Mauricke on his first arrivall in Piscataque Riuier, men-  
acing the constable of Portsmouth whiles he was in the execution of \**Port-*  
*smouth whiles he was in the execution of* his office, on w<sup>ch</sup> the people conceived  
it necessary to repaire to S<sup>r</sup> Robert Carr for a full vnderstanding of such mo-  
tions, who judgēd it mcete to declare that the people ought to continue in  
their obedience to the present gouernment till they had other or further order.

These things occasioned in the hearts & minds of the people a deepe  
sence of the sad euents threatning this colony, in case the co<sup>m</sup>missioners should  
improoue their power in such a manner as they feared they would, on whose  
generall solicitude for the preserving of their enjoyments according to their  
present constitution, granted to this colony by his majestjes royall charter, un-  
der the great seale of England, the Generall Court, consisting of Go<sup>u</sup>no<sup>r</sup>, Dep<sup>t</sup>  
Gouerno<sup>r</sup>, majistrates, & deputjes of the seuerall tounes, resolved imēdiately  
to make their addresses to his majesty, a copie whereof here followeth: —

Dread Soueraigne: —

If your poore subjects, who haue remooued themselues into a remote cor-  
ner of the earth to enjoy peace w<sup>th</sup> God & man, doe, in the day of this their  
trouble, prostrate themselues at yo<sup>r</sup> royall ffeete, & begg your favour, wee  
hope it will be graciously accepted by your maj<sup>ty</sup>, and that as the high place  
yow sustejne on earth doeth number you here among the gods, so yow will  
jmitate the God of heaven in being ready to majteyne the cause of the  
afflicted & the right of the poore, & to receiue their cryes & addresses to that  
end; and wee humbly beseech your majesty w<sup>th</sup> princely patienc & clemency  
to heare & accept our plaine discourse, though of somewhat greater length  
then would be comely in other or lesser cases; wee are remote, & cann speake  
but seldome, & therefore craue leaue to speake the more at once; wee shall not  
largely repeate how that the first vndertakers for this plantation hauing, by  
considerable sumes, purchased the right thereof granted to the councill estab-

lished at Pljmouth by King James, your royall grandfather, did after obtayne a patent, given & confirmed to themselves by your royall ffather, King Charles the First, wherein is granted vnto them, their heires, assignes, & associates for euer, not only the absolute vse & propriety of the tract of land therein mentioned, but also full & absolute power of gouerning all the people of this place by men chosen from among themselves, & according to such lawes as they shall from time to time see meet to make & establish, being not repugnant to the lawes of England, they paying only the fifth part of the oare of gold & siluer that shall heere be found, for and in respect of all dutjes, demands, exactions, & services whatsoeuer, as in the sajd patent is at large declared, vnder the encouragement & security of which royall charter this people did at their oune charges transport themselves, \*their wives & families, ouer the ocean, purchase the lands of the natiues, & plant this colony with great labours & hazards, costs & difficulties; for a long time wrestling w<sup>th</sup> the wants of a wildernes & the burdens of a new plantation, hauing also now about thirty yeares enjoyed the aforesajd power & priuiledg of gouernment w<sup>th</sup>in themselves, as their vndoubted right in the sight of God & man, & hauing had moreouer this further favour from God, & from your majestje, that wee haue received seuerall gracious letters from your royall self, full of expressions tending to confirme vs in our enjoyments, viz<sup>t</sup>, in your majestjes letter, bearing date the fueteenth of February, 1660, you are pleased to consider New England as one of the cheifest of yo<sup>r</sup> colonjes & plantations abroad, hauing enjoyed & groune vp in a long & orderly establishment, adding this royall promise, ‘Wee shall not come behinde any of our royall predecesso<sup>r</sup>s in a just encouragement & protection of all our loving subjects there.’ In yo<sup>r</sup> majestjes letter of the 28th of June, 1662, sent to vs by our messengers, besides many other gracious expressions, there is this: ‘Wee will preserve, & doe hereby confirme the patent & charter heretofore granted vnto them by our royall ffather, of blessed memory, & they shall freely enjoy all the priuiledges & libertjes granted vnto them in & by the same.’ As for such particulars of a civil & religious nature, which are subjoined in the sajd letters, wee haue applied ourselves to the vtmost to satisfy your majesty, so farr as doeth consist w<sup>th</sup> conscience of our duty towards God, & the just libertjes & priuiledges of our patent.

Wee are further bound, w<sup>th</sup> humble thankfullnes, to acknowlege your majestjes gracious expressions in the last letter wee haue received, dated Aprill 23<sup>th</sup>, 1664, as, (besides other instances thereof,) that your majesty hath not the least intention or thought of violating, or in the least degree infringing, the

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charter heretofore granted by your royall father, w<sup>th</sup> great wisdome, & vpon full deliberation, &c.

But now what affliction of heart must it needes be vnto vs that our sinns haue provoked God to permit our adversarjes to set themselues against vs by their misinformations, complaints, & solicitations, (as some of them haue made it their worke for many yeares,) & thereby to procure a comission vnder the great seale, wherein fower persons (one of them our knoue & proffessed ennemy) are impowred to heare, receive, examine, & determine all complaints & appeales in all causes & matters, aswell military as criminall & civil, & to proceed in all things for setling this country according to their good & sound discretion, &c, whereby, insteede of being gouerned by rulers of our oune chusing, (w<sup>ch</sup> is the fundamentall priuiledge of our patent,) & by lawes of our oune, wee are like to be subjected to the arbitrary power of strangers, proceeding, not by any established lawe, but by their oune discretions. And whereas our patent giues a sufficient royall warrant & discharge to all officers & persons for executing & observing the lawes here made & published, as is therein directed, wee shall now not be discharged & at rest from further molestation when wee haue so executed and observed our lawes, but be liable to complaints & appeales, & to the determination of new judges, whereby our

[\*484.] gouernment & \*administrations will be made voyd & of none effect. And though wee haue had got but a litle tast of the words or actings of these gent<sup>n</sup> that are come ouer hither in the capacity of comissioners, yett wee haue had enough to confirme vs in our feares that their improuement of this power, in pursuance of their comission, should the same proceed, will end in the subversion of our all, wee should be glad to hope that your majestjes instructions, w<sup>ch</sup> they haue not yet beene pleased to impart vnto vs, may put such limitations to their busines here as will take of much of our feare; but according to the present appearance of things, wee thus speake in this case: dread soueraigne, our refuge, vnder God, is your royall selfe, whom wee humbly addresse ourselves vnto, & are the rather emboldened therein because your majestjes last gracious letter doeth encourage vs to suggest what, vpon the experience wee haue had, & observation wee haue made, wee judg necessary or convenient for the good & benefit of this your plantation, & because wee are well perswaded, that, had your majesty a full & right information of the state of things heere, yow would find apparent reason to put a stop to those proceedings, w<sup>ch</sup> are certainly disservient to your majestjes interest, & to the prosperity & welfare of this place.

If these things goe on according to their present appearance, your subjects heere will either be forced to seeke new dwellings or sincke & faint

vnder burdens that will be to them intollerable; the vigour of all mens endeavours in their seuerall callings & occupations (either for merchandize abroad or further subduing this wilderness at home) will be enfeebled, as wee perceive it already begins to be, the good worke of converting the natives obstructed, the inhabitants driuen to wee know not what extremitjes, & this hopefull plantation in the issue ruined.

But whateuer become of us, wee are sure the adversary cannot counter-vajle the kings damage. It is indeed a greiffe to our hearts to see your majesty put vpon this extraordinary charge & cost about a business the products whereof can neuer reimburse the one halfe of what will be expended vpon it. Imposed rulers & officers will haue occasion to spend more then can be raysed heere, so as nothing will returne to your majestjes exchequer; but instead thereof, the wonted bennefit by customes of goods exported & imported into England from hence willbe diminished by the discouragement & diminution of mens endeavours in their seuerall occupations; or if the ajme should be to gratify some particcular gentlemen by liuings & revenues here, that will also faile; where nothing is to be had, the king himself will loose his right; & so will the case be found to be here; for such is the pouerty & meanness of the people of this country, (by reason of the length & coldnes of the winters, the difficulty of subduing a wilderness, defect of a staple comodity, the want of money, &c,) that if with hard labour men get a subsistance for their familjes, it is as much as the generallity is able to doe, paying but very smale rates towards the publick charge; & yet if all that the country hath ordinarily raised by the yeare for all the charges of the whole gouernment were put together, & then doubled or trebled, it would not be counted for one of these gentlemen a considerable accomodation. It is true that the estates men haue, in conjunction w<sup>th</sup> hard labour & vigorous endeavours in their seuerall places, doe bring in a comfortable subsistance for such a meane people. Wee dare not diminish our thankfulness to God that he provides \*for us in a wilderness as he doeth; yet neither will the former stand if the latter be discouraged, nor will both euer answer the ends of those that seeke or neede great things. We perceive there haue been great expectations of *of* what is to be had here, raised by some mens informations; but those informations will prouue fallacious, & disappointing them that haue relied vpon them. And if the taking of this course should driue this people out of the country, (for to a coalition therein they will neuer come,) it will be hard to finde another people that will stay long or stand vnder any considerable burden in it, seeing it is not a country where men can subsist w<sup>th</sup>out hard labour & great frugality.

There haue also binn high representations of great diuissions & discon-

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tents among vs, & of a necessity of sending comissioners to relieue the aggreived, &c, whereas it plainly appeares that the body of this people are vnanimously satisfied in the present gouernment, & abhorrent from change; & that what is now offered will, instead of relejving, rajse vp such greivances as are intollerable. Wee suppose there is no gouernment vnder Heaven wherein some discontented persons may not be found; & if it be a sufficjent reason against a gouernment, that there are some such who will be innocent, yet, through the favo<sup>r</sup> of God, there are but few among vs that are malecontent, & fewer that haue cause to be so.

S<sup>r</sup>: The all knowing God he knowes our greatest ambition is to liue a poore & quiet life in a corner of the world, without offence to God or man. Wee came not into this wilderness to seeke great things to ourselues, & if any come after vs to seeke them heere, they willbe disappointed. Wee keepe ourselues w<sup>th</sup>in our lyne, & medle not w<sup>th</sup> matters abroad. A just dependance vpon & subjection to your majestje according to our charter, it is farr from our hearts to disacknowledge. Wee so highly price your favorable aspect, though at this great distance, as wee would gladly doe anything that is w<sup>th</sup>in our power to purchase the continuance of it. Wee were willing to testify our affection to your majestjes service, by answering the proposall of your hono<sup>r</sup>ble comissioners, of which wee doubt not but they haue already given your majesty an account. Wee are carefully studious of all due subjection to yo<sup>r</sup> majesty, & that not only for wrath, but for conscience sake; & should divine Prouidence euer offer any oppertunity wherein wee might in any righteous way, according to our poore & meane capacity, testify our dutifull affection to your majesty, wee hope wee should most gladly embrace it; but it is a great vnhappines to be reduced to so hard a case as to haue no other testimony of our subjection & loyalty offered vs, but this, viz<sup>t</sup>, to destroy our oune being, w<sup>ch</sup> nature teacheth vs to preserue, or to yeild vp our libertjes, which are farr dearer to vs then our liues, & which, had wee had any feare of being deprived of, wee had neuer wandered from our fathers houses into these ends of the earth, nor lajd out our labo<sup>r</sup>s & estates therein, besides engageing in a most hazardous & difficult warr w<sup>th</sup> the most warlike of the natiues, to our great charge & the losse of some of the liues of our deare freinds; neither can the deepest invention of man find out a more certeine way of confidence then to obtejne a rojall donation from so great a prince, vnder his great seale, which is the greatest security that may be had in humajne affaires.

Royall S<sup>r</sup>: It is in your power to say of your poore people in New England, they shall not dye. If wee haue found favour in the sight of our  
 [\*486.] king, \*let our life be giuen us at our petition, (or rather that w<sup>ch</sup> is dearer

then life, that wee haue ventured our liues, & willingly passed through many deaths to obteyne,) & our all. At our request let our gouernment liue, our patent liue, our magistrates liue; our lawes & libertjes liue, our religious enjoyments liue; so shall wee all haue yet further cause to say from our hearts, ‘Let the king liue foreuer;’ and the blessing of them that were ready to perrish shall come vpon your majesty, having deliuered the poore that cryed, & such as had none to help them. It was an honor to one of your royall auncestors that he was called the poore mans king. It was Jobs excellency, when he sate as king among his people, that he was a ffather to the poore. They are a poore people, destitute of outward succour, wealth, & power who now cry vnto their lord the king. May your majesty please to regard their cause, & maintejne their right; it will stand among the markes of lasting honor to after generations; and wee & ours shall haue lasting cause to rejoyce that wee haue binn numbered among

Your majestjes most humble servants & suppliants,

JOHN ENDECOT, Goũrnoʳ, in the name  
& by order of y<sup>e</sup> Generall Court of y<sup>e</sup> Massachusets.

Boston, in New England, 20<sup>th</sup> of October, 1664.

The Dutch being reduced as aboue is expressed, S<sup>r</sup> Robert Carr, Knt, George Cartwright, & Samuell Mauericke, Esq̃s, returned againe to Boston, & on the 15<sup>th</sup> of February, 1664, had a meeting w<sup>th</sup> the Gouvernoʳ & seuerall of the magistrates at the Gouvernoʳs house, where they acquainted the Gouvernoʳ & magistrates, that they were resolued on the morrow to repaier to Plimouth to deliuer his majestjes letter & cõmunicate his majesties grace & favour to them; & further signified their desire that order might be taken for the assembling of all the inhabitants at the day of our election, that so they might vnderstand his majestjes grace & favour to them, & that at their returnes some might be appointed to goe along w<sup>th</sup> them, to shew them the bounds of our patent; to the latter of which proposalls the magistrates manifested a ready compliance; but for the former, i. e., the assembling of the people at the day of election, to that it was answered, that all were at their liberty to come if they would—there was no prohibition; nor could they see into the reason of such a motion, at least could not encourage to it, not only for the busines of the season, but leaving a considerable part of the people, wiues, children, & aged persons, to the rage of the natiues, that might lay hold of such an oppertunity; to w<sup>ch</sup> Colonel Cartwright repljed, that the motion was so reasonable, that he that would not attend it was a trajtor; & before

1665.

May session.

Cõmissioners  
returue to  
Boston.

Their meeting  
w<sup>th</sup> y<sup>e</sup> Gou. &  
Magis<sup>ts</sup>. De-  
clare y<sup>e</sup>ir pur-  
pose to repaier  
to Plimouth.

Y<sup>e</sup> order might  
issue out flor  
assembling all  
inhabitants to  
y<sup>e</sup> election, &c.

Their desires  
y<sup>t</sup> some might  
shew them y<sup>e</sup>  
bounds be-  
twenee Plim-  
outh, &c.

Reason ren-  
dred of not as-  
sembling y<sup>e</sup> in-  
habitants, &c,  
not to leaue  
wiues, children  
&c, to rage of  
y<sup>e</sup> natiues, &c.

On w<sup>ch</sup> y<sup>e</sup> name  
of trajtor is  
bestowed by G  
C., as testifies  
R. R. & T. D.

1665. their departure sent their letters to the country to some non freemen. A  
coppie whereof here ffollows: —

May session.

Cõmissioners Sr: —

letter to invite  
sever<sup>ll</sup> gent.  
inhabit<sup>ts</sup> to  
election, &c.

Wee desire you to acquaint all your neighbours, that though wee are now going to Plimouth, & so to Road Island, yet wee intend, God willing, to be backe here at Boston before the Court of Election, at which, if they please to be, they shall be both eare & eye wittnesses of the favo<sup>r</sup>s & kindnesses w<sup>ch</sup> his majesty really intends them, & hath cõmanded vs to assure all his subjects hereof, w<sup>ch</sup> if they will doe, will be the best way to prevent all slandering of his majesty, & all misap̃hentions in his good subjects, & all prejudice from vs.

Your ffreinds,

ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUEL MAUERICK.

A copie of y<sup>s</sup> letter was deliuered into the Court the 5<sup>th</sup> of May, 1665, & attested by them in these words: —

This is a true copie of a letter sent to seuerall gentlemen.

GEORG CARTWRIGHT.

[\*487.]

Cõmissioners  
sumons or war-  
rant to Tho.  
Prentice, Amos  
Richison, &c.

\*The cõmissioners, hauing dispatched their occasions at Plimouth, passed on to Warwicke & to Petacomskooke, from whence they issued forth sundry warrants & declarations, true copies whereof are as followeth: —

These are in his majestjes name, & by virtue of his cõmission vnder his great seale of England, to require yow to be at Anthony Lowes, of Warwicke, by nine of the clocke in the morning on Munday, the third of April next, to answer before vs, his majestjes cõmissioners, to such charge as is layd against you by Joseph Torrey, of Newport, in Road Island, & others. Giuen vnder our hands the 21<sup>th</sup> of March, 1664, at Petacomskooke.

ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAUERICK.

To Thomas Prentice, of Cambridge, & of like tennor to Amos Richison,

of Boston, & to Roger Plajsted, of Kittery, about one hundred & twenty miles distant from that place.

1665.

May session.

Also, a declaration by them directed to the purchasers of Nanaganset country, w<sup>ch</sup> was as followeth: Hauing received from some of the principall sachems of the Nanaganset Indians a submission & surrender of themselves, their subjects, & their lands to the protection, gouernment, & dispose of our dread soueraigne, the King of Great Brittain, France, & Ireland, as well by their personall acknowledgment, & laying doune their armes as at his majesties ffeete, & sending his majesty some presents, as also by giving us a deede, dated Aprill the 19<sup>th</sup>, 1644, wherein they & all the other cheife sachems of that country did then submitt, subject, & giue ouer themselves to his late majesty, of blessed memory, & by presenting to vs seuerall petitions & declarations, conteyning many injurjes w<sup>ch</sup> they sajd they haue received from many of his majesties subjects, against whom they desire justice from us, wee, his majesties comissioners, haue receiued them into his majesties protection, & doe, in his majesties name, order, appoint, & comānd, that the sajd country from hence forward be called the Kings Province, & that no person of what colony whatsoeuer presume to excercise any jurisdiction w<sup>th</sup>in this the Kings Province, but such as receive authority from or vnder our hands & seales, vntill his majesties pleasure be further knoune. And wee also declare, that this the Kings Province doeth extend to Paucatuck Riuer westward. And whereas Major Atherton & others of his majesties colony of the Massachusetts pretend a mortgage of a great part of the sajd country, wee order & appoint, that when euer either of the sajd sachems, knoune by the name of Pessicus or Ninicraft, or any authorized by them, doe pay vnto any persons laying clajme to the sajd mortgage the sume of seuen hundred thirty fve fathom of peage, the sajd mortgage shall be voyd, & whateuer is therevpon pretended to by them.

Comissioners declaration of y<sup>e</sup> Indians of Narag<sup>t</sup>, subjecting y<sup>e</sup>meselves to y<sup>e</sup> king.

Their reception into his maj<sup>ty</sup>s protection, & naming the place y<sup>e</sup> Kings Prouince.

Forbidding all others to excercise authority there, &c.

Y<sup>e</sup> limits of y<sup>e</sup> province.

Major Athertons, &c, mortgage of y<sup>e</sup> place declared by them to be voyd, &c.

And whereas, also, there is also two purchases pretended to of two great tracts of land by the same Major Atherton, Cap<sup>t</sup> Hudson, & others of his majesties colony of the Massachusetts, bought of Cathanaquaud, in the Narraganset country, in the yeare 1659, in which deed there is no mention of any consideration, & that it appeares the sajd pretending purchasers knew that the sajd country was submitted to his majesty, as well by witnesses as by the sajd submission, being eighteene yeares agoe printed, —

The other purchase of Major Athertons & others from Cathanaquaud declared voyd on like termes, &c.

Wee, his majesties comissioners, hauing heard the whole business, doe declare the sajd purchases to be voyd, & order & comānd, that the sajd purchasers shall quit & goe of the sajd pretended purchased lands, & shall not

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keepe any catle after the feast of St Michael next, if w<sup>thin</sup> that time either of the sachems aboue named, or any authorized by them, doe pay vnto any one of the sajd purchasers the sume of three hundred fathome of peage, which is the only sume acknowledged to be received by the sajd Cathanaquauid. Given vnder our hands & seales, at Petaquamscoke, the 20<sup>th</sup> of March, 1664.

For the purchasers.

ROBERT CARR, &amp; a seale,

GEORGE CARTWRIGHT, &amp; a seale,

SAMUEL MAUERICK, &amp; a seale.

At Warwick, also, they published a declaration, a copie whereof heere followeth:—

Comissioners  
declaration abt  
Squamacuck  
lands, &c.

[\*488]

They prohibit  
any to excer-  
cise authority  
in the Kings  
Prouinc vnder  
penalty of his  
maj<sup>ty</sup> displeas-  
ur.

Declaring all  
grants of lands  
there by the  
col. of Massa-  
chuset<sup>s</sup> or vsurpt  
authority of  
Vnited Colo-  
nies, so called,  
to be voyd.  
& injoyning the  
present pos-  
sessors to re-  
moue, &c.

Wee, by the power given vs by his majestjes comission, having heard the complaint of some of his majestjes subjects, purchasers of certeine lands called Misquamacuk, lying on the easterne side of Pawcatuck River, & hauing likewise heard all the pretences of those by whom they haue suffered great oppressions, & considering the ground from whence these differences & injurjes haue proceeded, & endeavoring to prevent the like for the future, doe declare, that no colony hath any just right to dispose of any lands conquered from the natiues, vnles both the cause of the conquest be just & the land lye w<sup>thin</sup> the bounds which \*the king by his charter hath given it, nor yet to excercise any authority beyond those bounds, which wee require all his majestjes subjects to take notice of for the future, least they incurr his majestjes displeasure, & suffer a deserved punishment. Wee declare likewise, that all those guifts & grants of any land lying on the easterne end of Paucatucke Riuer & a north lye draune to the Massachusetts from the midst of the ford nere to Thomas Shaws house, in the Kings Prouince, made by his majestjes colony of the Massachusetts to any person whatsoever, or by the usurped authority called the Vnited Colonjes, to be voyd. And wee hereby comend all such as therein are concerned to remouue themselues & their goods from the sajd lands before the twenty ninth day of September next, in the meane time neither hindering the Pecquot Indians from planting there this summer, nor those of the Kings Province, who are the purchasers, from improoving the same, as they will answer the contrary. Given vnder our hands & seales, at Warwick, Aprill the 4<sup>th</sup>, 1665.

ROBERT CARR, &amp; a seale,

GEORGE CARTWRIGHT, &amp; a seale,

SAMUELL MAUERICK, &amp; a seale.

And here followeth a copie of their protection, given to John Porter, 1665.  
 Juñ, &c: —

May session.

Wee require you to be at Boston, May the 8<sup>th</sup>, to make prooffe of these your complaints, and in his majestjes name, by the pōwer given vs, wee promise yow his majestjes protection vntill your case be heard by vs, and hereby wee require & cōmand all officers, both military & civil, & all other persons, to suffer the petitioner, John Porter, to be w<sup>th</sup>out all molestation & restrajnt, he behaving himself ciuilly, vntill his cause shall be heard by vs. Given vnder our hands, at Warwick, April 8<sup>th</sup>, 1665.

Their protec-  
 tion to Jn<sup>o</sup>  
 Porter, Jun.

ROBERT CARR,  
 GEORGE CARTWRIGHT,  
 SAMUELL MAUERICK.

This is a true copie — agrees w<sup>th</sup> the originall product in Court. As attests

EDW: RAWSON, Secre<sup>ry</sup>.

Wee shall now proceede to declare the conferences that passed betweene the Generall Court & his majestjes cōmissioners after their returne from Pljm-outh & the Narraganset country.

The cōmission-  
 ers returne.

But before wee enter vpon it, in a word or two wee shall hint the manner of their returne, i. e., each at a seuerall time, in an obscure manner, thereby preventing that respect & honorable reception, not only intended, but actually prepared for them, which wee mention, not to accuse them, but to excuse the reflection of disrespect & incivillity by them often cast vpon vs; whereas, in uery trueth, their whole carriage, especially of some of them, haue a slighting of that honorable respect which, according to our meane condition, wee haue binn desirous to shew vnto them. Their returne to Boston was some few dayes before our Court of Election, the third of May, 1665.

To Boston.

In an obscure  
 manner.  
 One by one.

The day before the election (the Gouverno<sup>r</sup> being newly deceased) the Deputy Gouverno<sup>r</sup> & some of the magistrates, w<sup>th</sup> seuerall gent<sup>n</sup> that were sent from the seuerall townes as their deputjes to attend the Court, assembled together at the Court house in Boston.

Dep<sup>t</sup> Gou.,  
 magis<sup>t</sup>, & dep<sup>t</sup>  
 met in y<sup>e</sup> town-  
 house, 2 May,  
 65, &c.

His majestjes cōmissioners sent a messenger to acquaint the Deputy Gouverno<sup>r</sup> & magistrates assembled, &c, that they desired to speake w<sup>th</sup> the Court. The magis<sup>ts</sup> & gentlemen thus met returned, by two of the magis<sup>ts</sup>, to them that they were no Court, not being orderly constituted by law or the custome of the country, only in observance of an order past by the council Aprill, 1665, so many of them were met to prepare the worke of the follow-

The cōmission-  
 ers desire to  
 speake w<sup>th</sup> y<sup>em</sup>,  
 &c.

1665.

May session.  
The court &  
comissioners  
meete togeth-  
er.

They deliuer 5  
papers to y<sup>e</sup>  
Court.

[\*489.]

1st of his ma-  
j<sup>ty</sup>s instrucons.

1. To acquaint  
his subjects  
here of his  
kindness to  
y<sup>em</sup>.

2. & not in-  
tending in y<sup>e</sup>  
least to abridg  
them, but res-  
olution to con-  
firm their liber-  
ties, &c.

3. End of y<sup>e</sup>  
comission's  
journey to re-  
moue jealou-  
sies, &c.

4. Y<sup>t</sup> y<sup>e</sup> so  
manifest his  
maj<sup>ty</sup>s care &  
affection to his  
subjects, &  
faithfully repr-  
sent to him  
their temp<sup>r</sup>,  
duty, &c, as to  
disappoint wick-  
ed designes.

Y<sup>t</sup> he may  
looke on y<sup>em</sup>  
as nere to him  
as Kent or  
Yorks.

&c, & contra.

ing day, the orderly proceeding of the election being of great concernment to the publick, & his majesties charter expressly limitting of them to a day; yet this not satisfying, the gentlemen thus met consented to attend the motion of the comissioners. This being signified to the comissioners,

They immediately repaired to the Courthouse, & deliuered fve seuerall writings, the words whereof are as followeth: —

\*Part of the kings instructions to vs.

At the time you produce your comission to them, yow shall let them know the kindnesse wee haue for them, & the extreame desire wee are possessed w<sup>th</sup> to advance that plantation, which hath given so good an example of sobriety & industry to all other plantations.

That wee are so farr from any thought of abridging or restreyning them from any priviledges or liberties granted by our royall ffather, of blessed memory, to them in his charter, that wee are very ready to inlarge those concessions, or to make any other alterations which (vpon their experience of so many yeares of that cljmate & country) they finde necessary for the good & prosperity of that colony.

That the principall end of your journey is to remoue all jealousies & misunderstandings w<sup>ch</sup> might arise in vs of the loyalty & affections of our good subjects in those parts towards vs, or in them of our good opinnion & confidence in them, & consequently of our protection ouer them, both which are & will be enough endeavored in both places by y<sup>e</sup> insinuations & representations of those whose businesse it is to foment jealousies & improoue misunderstandings, in order to widen those breaches w<sup>ch</sup>, by Gods blessing, are well made vp, & to bring the nation againe into that combustion from which, by his wonderfull providence, it is so newly recouered.

That yow are confident, by the manifestation yow shall giue them, of our tendernesse, care, & affection towards them, & by the faithfull representations yow shall make vs of their temper, duty, & allegiance, yow shall disappoint all the designes of such wicked & seditious persons, & that such a foundation of mutuall confidence & satisfaction will thereby be layd, that wee shall looke hereafter vpon our colony of the Massachusetts as w<sup>th</sup>in the same ljmits of affection, duty, & obedience to our person & goum<sup>t</sup> as Kent or Yorkeshire, & they againe w<sup>th</sup> the same confidence of our care & protection as the other doe, so that wee doubt not they shall haue all great reason to acknowledge our singular affection in our vissiting them by this our comission, & by the good effects which, with Gods blessing, will arise from it.

Gentlemen: —

Wee cannot deliuer this to yow in better chosen or better placed words then these by which his majestjes comānd is exprest to us. Wee therefore entreate yow to weigh each word in it, & then to consider how much that man must be shrunk below the ordinary being of a man that shall not beleive these pathetticall expressions of a most gracious prince, so many times made knowne vnto you, first in his majestjes answer to yo<sup>r</sup> first addresse in the yeare 1660, afterwards in his gracious letter to you in 1662, then in his last letter to yow in 1664, & now by vs sent on purpose to remooue jealousies & misvnderstandings, if you will credit his majestjes witnesse; and therefore wee, (as in duty bound,) in his majestjes name, doe assure you that whateuer hath in your charter been granted by his royall predecessors, or whateuer hath been, in his gracious letters, promised by his royall self, shall, to the vtmost, be made good to yow. Wee must, also, in our oune names, but for yo<sup>r</sup> sakes, desire that wee may haue from you no just cause to represent any thing to his majesty that may seeme to shew your duty & allegiance short of that proportion which they ought to haue. This, the manifestation of yo<sup>r</sup> affection, duty, & allegiance to his majesty, is that only w<sup>ch</sup> can & will giue you confidence in, & assurance of his majestjes grace & favo<sup>r</sup> to yow.

What some seditious spirits haue falsly reported, or some selfended men haue vnjustly acted, wee shall be very farr from jmuting to the colony, if those men in their false reports & vnjust actions be not owned by the colony. Wee being to informe the king of all things here, as himself is pleased to expresse in such a manner, that he himselfe may be sajd to vejw these his dominions & subjects, it must only be imputed to yo<sup>r</sup> faults, \*if wee doe not informe his majesty, that his subjects heere are as loyall, as obedient, & as zealous of his hono<sup>r</sup> as those in Kent or Yorkshire. The king hath taken y<sup>e</sup> pajnes of writing seuerall times to you; he hath been at the charge of sending vs to yow all; & more he cannot doe, to assure you of his grace & favo<sup>r</sup>, & all helps of advancement to yo<sup>r</sup> colony, if yow will be his good subjects.

It now rests only on yo<sup>r</sup> side, that by the reall demonstration of yo<sup>r</sup> duty & alleageance to his royall maj<sup>ty</sup>, yow prooue yo<sup>r</sup>selues capable of receiuing & worthy of enjoying whateuer his maj<sup>ty</sup> grace & favo<sup>r</sup> can contribute to yo<sup>r</sup> advancement, w<sup>ch</sup> wee earnestly desire may be donne.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAUERICK.

1665.

May session.  
Comissioners  
comment on &  
exhort. to a full  
belief of his  
maj<sup>ty</sup> gracious  
expressions in  
his 1st instruc-  
tion.

Comissioners  
compl<sup>t</sup> ag<sup>t</sup> &  
accusa<sup>o</sup>n of  
som for fals &  
misreports.

[\*488.]

1665.

May session.  
2 Instruction.

Part of the kings instructions to vs.

You shall in the first place of all businesses, & before you enter vpon any other particular discourse at large, & with confidence to them all, that wee ourselfe haue discouraged w<sup>th</sup> you of reducing the Dutch in or neere Long Island, or anywhere w<sup>th</sup>in the lymitts of our oune dominions, to an entire obedience to our gouernment. They will be easily informed of the consequence of such neighborhoo, if they be longer suffered to raise a gouernment of their oune; that besides their being a constant receptacle & sanctuary for all discontented, mutenous, & sedicious persons, who fly from our justice as malefactors, or who runne from their masters, or avoyd paying their debts, or who haue any other wicked designe, as they shall grow to any strength or power, their busines is to oppresse their neighbors, & to ingrosse the whole trade to themselves, by how indirect, vnlawfull, or foule meanes soeuer; witnes their inhumane proceedings at Amboyna in a time of full peace, & all professions of particular loue & freindship; & therefore it is high time to put them out of a capacity of doing the same mischeife there, & to reduce them to the same rules of obedienc with our oune subjects there, w<sup>th</sup> you are to let them know is all wee ayme at, w<sup>th</sup>out any purpose of vsing any other violence vpon or towards them then are necessary to those ends, & that no man shall be disturbed or remooued from what he possesseth, who will yeild obedience to vs, & liue in the same subjection, & vpon enjoying the same priuiledges w<sup>th</sup> our subjects; & in order to this good end of so great & imēdiate concernment to them, yow shall desire their advice & concurrence, & that they will asist yow w<sup>th</sup> such a number of men, & all other things, as are necessary therevnto; & you shall therevpon proceede in such a manner as yow shall thinke fit, either by building of forts above, or by vsing such force as cannot be avoyded for their reduction, they hauing no kind of right to hold what they are in possession of in our vnquestionable territorjes then that they are possessed of it by an invasion of vs. Upon this part of our instruction Colonell Niccolls & Colonel Cartwright exprest their desire to the Gouverno<sup>r</sup> & counsell as followeth:—

In obedience to his majestjes comānd for the more effectuall meanes of reducing the Dutch plantation, who haue, contrary to all right & justice, vsurped, & are now possessed of his maj<sup>ty</sup> dominions in or neere adjoyning to Hudsons Riuer in America, wee doe in his majestjes name propose to the Gouverno<sup>r</sup> & council of his majestjes colony of the Massachusetts Bay as followeth:—

That they will make an act to furnish vs w<sup>th</sup> such a number of men armed as they cann spare, & that they may beginne their march the twentjeth

of August next: if in the meane time wee finde that wee cann prevajle by treaty or by other asistance of his majestjes subjects neerest the place, wee promise to give them account, & to stop the further charge & progresse of the men; & sooner wee aske them not, that the objection of harvest time may be taken away, which act \*wee conceive will be a signall testimony of their compliance w<sup>th</sup> his majestjes affaires of great honor to this colony, & of good example to all the rest.

1665.

May session.

[\*491.]

July 27<sup>th</sup>, 1664. God so blest the kings vndertaking, that there was no need of the men desired. Cap<sup>t</sup> Clarke & Cap<sup>t</sup> Pinchon, of this colony, w<sup>th</sup> others, were comissionated to make articles of surrendero<sup>f</sup> that place; & wee gaue the king an account of the readjnes of this colony in that service, by sending him a copy of the act made by the councill at Boston, July 27<sup>th</sup>, 1664, & by letting him know of their sending messengers to vs to Long Island, as the just ground of the great hopes wee had of their loyalty & affection to his majesty; & wee hope wee shall not be deceived in it.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAUERICK.

### 3 part of the kings instructions to vs.

Yow shall desire them that they will as soone as, by their custome & constitution, they cann doe it, & in the same forme they are accustomed, to call & su<sup>m</sup>on a generall councill or assembly to appeare & meet together, to the end that yow may to them, as yow haue to the Gouverno<sup>r</sup> & councill, declare our kindnes & affection, & the motives wee had to send yow thither. Yow shall deliuer to them the copy of the addresses wee had formerly from them, w<sup>th</sup> our answer therevnto, & the reply wee since received, & likewise copies of whatsoever you haue deliuered since your arriual to the Gouverno<sup>r</sup> & council, & make the like professions & desires to them. Yow shall make any addresses or propositions to the Gouverno<sup>r</sup> & standing council, or to the generall council, as in your judgment vpon the place you shall thinke most convenient.

His maj<sup>ty</sup> 3<sup>d</sup>  
instruc<sup>o</sup>.

Enjoyning the  
comission<sup>s</sup> in  
his name to de-  
clare y<sup>e</sup> like  
professions &  
desire to y<sup>e</sup>  
Gen<sup>l</sup> Court as  
to y<sup>e</sup> Gou. &  
coun<sup>c</sup>, &c.

Gent<sup>l</sup>: —

Having troubled this colony last August to su<sup>m</sup>ons a generall assembly, & the desire wee haue to prevent all vnnecessary charge & trouble made vs in the winter vissit the other colonys, & wajte this oppertunity to acquaint this assembly w<sup>th</sup> the extreame desire his majesty is possessed with to advance this

The comis-  
sion<sup>s</sup> further  
publication of  
his maj<sup>ty</sup> affec-  
tions & desire  
to advan<sup>c</sup> y<sup>e</sup>  
colony as y<sup>e</sup>  
end of y<sup>e</sup> com-  
ing.

1665.

May session.

Their desire y<sup>t</sup>  
all y<sup>e</sup> papers be  
made publ., y<sup>t</sup>  
his favors &  
their loyalty  
may be  
knowne.

colony. It was his majestjes comānd in his last letter that it should forthwith haue beene published, that his majestjes end & intention in sending us his comissioners might be made manifest to all his subjects: had it been so it would haue preuented those slanderous reports, & the discontented murmurings of many people, which wee hope will now all vanish. Wee earnestly desire that all these papers maybe industriously made publicke, that all may know those favo<sup>r</sup>s w<sup>ch</sup> his maj<sup>ty</sup> indends, & the termes (their loyalty) vpon which they may be assured of them. Wee shall not trouble yow w<sup>th</sup> those addresses & answers aboue mentioned now; wee shall haue occasion at another time to vse them; wee shall only deliuer yow the copie of a letter written to the late Gou<sup>no</sup>r, & part of our instructions w<sup>th</sup> it, & leaue yow to the affaires of the colony till Thursday morning, when wee desire to meete you againe, that wee may impart the rest of our instructions to yow; & now minding yow of one part of his majestjes letter, wherein he obligeth & comāndeth all persons concerned, that in the election of *of* Gouerno<sup>r</sup> & Asistants there be only consideration had of the wisdome, virtue, & integritje of the persons to be chosen, & not of any faction in refferenc to their opinnions or outward professions, wee desire that yow may be prosperous in the chojce of a Gouernor, & that he also may be prosperous in the execution of his office.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAURICKE.

[\*492.]

\*His majestjes instruction sajes, —

4 instruction.  
A draught or  
map of y<sup>e</sup> Mas-  
sachusetts  
bounds or lim-  
its desired.  
Y<sup>e</sup> end better  
to vnderstand  
pretences of  
clajmes.  
Forbidden to  
passe finall  
judgment, vn-  
lesse, &c.

Yow shall desire them that they deliuer to you a draught or map of their bounds & limits which they lay clajme to, & that they informe yow what pretences or titles any of their neighbours say therevnto, to the end you may the better vnderstand all the pretences, & foresee what method to observe for the hearing their seuerall clajmes & determination thereof, in w<sup>ch</sup> yow shall vse all persuasions to agree all partjes, & make no judgment of your oune as finall vpon the bounds & limits of the seuerall colonjes, except by consent of partjes, or that the right appeares by the bounds & limitts prescribed in the charter, or some grant by vs vnder our great seale of England, w<sup>th</sup>out any contradiction by some other grant from vs, likewise vnder our great seale, & some possession accordingly by some mutuall agreement betweene the persons interested vnder their hands, & according to their custome vsed there in matters of that nature. In all matters of the bounds & ljmitts w<sup>ch</sup> haue difficultje

in them, & doe not fall vnder the rules aforesajd, yow shall reserve the judgment to ourself, making only such a present temporary settlement as may preserve the peace of the country till our further judgment & determination shall be made knoune to them; towards the forming of which yow shall state the case & difference as clere as may be.

1665.

May session.  
But reffer y<sup>t</sup> to  
his maj<sup>ty</sup>.  
& cleerely to  
state the case.

S<sup>r</sup>: —

That wee may prevent all mistakes in the kings busines, though Colonell Niccolls in July, & ourselues in February last, desired that a map of your jurisdiction & lymits might be made ready, wee now send you our desires & the kings instructions to vs in that particcular vnder our hands. Wee hope to be w<sup>th</sup> you in the begining of May at the furthest, (if God blesse vs,) against w<sup>ch</sup> time wee desire the map of yo<sup>r</sup> limitts may be ready. Wee shall not trouble yow to send any to shew us yo<sup>r</sup> southerne bounds, they being vncontrouerted, & at so great a distance from you. Wee haue desired Cap<sup>t</sup> Breeden to shew yow a copie of a letter brought to New Yorke by a Dutch ship from Holland, & leaue the vse to be made by yo<sup>r</sup>selues. Having no more to trouble yow w<sup>th</sup> at this time, wee rest,

Three of the  
comissioners  
letter to y<sup>e</sup>  
Gou. & coun-  
cill about the  
mapp, &c.

Your loving freinds,

ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAUERICKE.

Newport, on Road Island, March 15<sup>th</sup>, 1664.

To our honord ffreinds y<sup>e</sup> Go<sup>u</sup>no<sup>r</sup> & council of the Massachusetts.

This is a copie of a letter sent in to the Deputy Gouverno<sup>r</sup>, & Magistrates, & Deputjes in May, agreeing w<sup>th</sup> its originall, from Road Island, signed by three w<sup>th</sup>out the postscript, signed by the fflower comissioners: —

This mapp or draught w<sup>th</sup>in mentioned wee desire may be made with all exactnes possible, & w<sup>th</sup> all speed convenient deliuered to us; for w<sup>th</sup>out it wee shall neither well vnderstand your bounds, nor be vnderstood in discoursing of them.

Postscript.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAM: MAUERICK.

1665. \*Gent<sup>r</sup>: —

May session.

[\*493.]

No. 5.

Comissioners  
resolve to  
communicat, &c,  
by writing to  
prevent misvn-  
derstanding &  
fals reports,  
&c.

Speaking to y<sup>e</sup>  
trueth of y<sup>e</sup>ir  
comission,  
make impeach-  
mt of some for  
a scandalous  
report, &c.  
Their argum<sup>t</sup>.

To yow the Generall Assembly of this his majestjes colony. Wee haue many things to communicate by command from our gracious soueraigne, all which, to prevent the inconveniencjes of impertinent speeches, misvnderstandings, & false reports, wee are resolved to doe in as few & plaine words as wee can by writing vnder our hands.

Before wee cann say any thing to the contents of the kings comission, wee are necessitated to say something to the trueth of it, being the foundation of our employment, & maliciously reported by some to haue binn made vnder an old hedge.

1<sup>st</sup>. But that it was not so made will manifestly appeare to any rationall man by these vdeniable arguments. The king himself & the lord chancellor told Mr Norton & Mr Bradstreet, of this colony, Mr Winthrop, of Conecticot, Mr Clarke, of Road Island, & seuerall others now in these countrijes, that he intended shortly to send ouer comissioners, & to many of these wee brought letters either from the king or lord chancellor.

2 A<sup>r</sup>. By comparing the kings reasons expressed in the comissions w<sup>th</sup> those mentioned in his gracious letters to this colony.

3 Arg<sup>t</sup>. By being brought hither by three of the kings ffrigotts, this alone had been sufficient.

Personall slan-  
ders they  
slight.

As respecting  
y<sup>e</sup> kings hon-  
nor, expect  
justice.

Those personall slaunders w<sup>th</sup> which wee are calumniated, as privat men wee slight, as Christians wee forgiue & will not mention; but as persons imployed by his sacred majesty, wee must not suffer his hono<sup>r</sup> to be æclipsed by a cloud of blacke reproaches & some seditious speeches w<sup>th</sup>out demanding justice from you against those who haue raysed, reported, or made them. Some of them are these: That the king hath sent us ouer to rajse fife thousand pounds a yeare out of this colony for his majestjes vse, & twelue pence for euery acre of improoued land beside, & to take from this colony many of their civil libertjes & ecclesiasticall priuiledges, of which particulars wee haue binn askt the trueth in seuerall places; all which reports wee did & here doe disclajme as false, & protest that they are diæmetrically contrary to the trueth, as ere long wee shall make it appeare more plainly.

They declare  
y<sup>e</sup> cause of  
their writing  
letters to seū<sup>al</sup>  
friends, &c.

This, gentlemen, was the cause why wee desird the magistrates of this place, about February the 14<sup>th</sup> last, that the country might come freely into this election. This only was the reason why wee wrote some letters to our freinds to invite all hither at this time, as will appeare by the letter itself, a copie of which wee herewith deliuer. Wee know it was a duty incumbent on us cheifely to wipe those soyling aspersions of his majestjes hono<sup>r</sup>, & to prevent the spreading of this poysonous infection amongst his majestjes good subjects.

Gentlemen: Though we cannot thinke that any here can be guilty of any such blake crime, yet this wee say, that you cannot vse a better argument to convince the whole world, or the king, who is most neerely concerned, that yow are not so, then by seuerally punishing those whom yow may finde guilty, if yow will take notice of it, as yow ought to doe.

Now, concerning the comission itselfe, the reasons mentioned in it are only such as might seeme to concerne all the colonjes; & they \*they are fieve seuerall colonjes haue made addresses to the king, desired he would take them into his protection, which this colony, amongst others, did.

The second is the complaints & disputes arising about the bounds of seuerall patents, w<sup>ch</sup> is the third in the kings letter.

The third is, that all his good subjects might enjoy the priuiledges, both ciuill & ecclesiasticall, granted to them, the same w<sup>th</sup> the 2<sup>d</sup>, in the kings letter, but more larg there.

The fourth is, some natiue princes haue complained of acts of violenc & injustice, which is the fowert, too, in the kings letter.

The fifth is, that the king, being informed of the condition of all his colonjes, might the better know how to contribute to the improouement of their happinesse. According to these reasons of sending us, the king hath been pleased to give vs pouer sufficjent to accomplish the ends for which he sent us; of all which wee shall haue occasion to say something when wee let yow see our seuerall instructions.

The first reason mentioned in the kings letter is peculiar to this colony, & is to discountenance & suppress those vnreasonable jealousies & malicious calumnies w<sup>ch</sup> wicked & vnquiet spirits labo<sup>r</sup> to infuse, &c, as that our subjects there doe not submit to our gouernment, but looke vpon themselues as independent on us. A fairer oppertunity yow cann neuer haue to throw this calumnie (if it be one) to the depth of hell, to the ffather of lyes, from whom it came.

• The king hath done more then his share, as shall imediately appeare: the rest lyes wholly vpon yourselves.

The 2<sup>d</sup>, 3, & 4 reasons being in the comission, wee will not repeate them againe.

The ffifth is about reducing the Dutch, which the king did not communicate to any colony but to this.

The sixth is, that wee might conferr w<sup>th</sup> yow about the kings letter, dated June 28<sup>th</sup>, 1662, w<sup>th</sup> the answer to which his majestje sayes he is not satisfied.

All these reasons, being seriously considered, will prooue all these slanders to be exceeding false & groundlesse, and therefore by so much the more

1665.

May session.

1. From seuerall colonys petitions for his maj<sup>ty</sup> protection; in speciall this.

2. From y<sup>e</sup> complaints & disputes about bounds.

3. From y<sup>e</sup> desire of enjoym of priuiledges.

4. From complaints of y<sup>e</sup> natiue pr<sup>nces</sup>.

5. On information of y<sup>e</sup> colonjes condition, the better to know how to contribut to y<sup>e</sup>ir happines.

Repetition of y<sup>e</sup> kings reasons.

1665. malicious. The grace, favour, care, & condescention which his majesty hath  
 May session. expressed towards yow must needs prevayle w<sup>th</sup> you to doe him justice, by  
 whose authority you haue power to make lawes.

That it may appeare that these are the reasons mentioned in his majestjes  
 letter, here is a true copie of it, which wee are also comāded to deliuer to  
 you; and, in his majestjes name, wee desire it maybe seriously considered of  
 by yow, & made publicke to others, that it may not be obstructed to those  
 honorable ends designed by his majestje: the conveying of his further grace  
 & favo<sup>r</sup> to you, & the acquainting of all his subjects w<sup>th</sup> the true reasons why  
 his maj<sup>tie</sup> did send vs.

RICHARD NICCOLLS,  
 ROBERT CARR,  
 GEORG CARTWRIGHT,  
 SAMUEL MAURICKE.

The Courts de- All w<sup>ch</sup> being received by the gentlemen then mett, they declared to the  
 sire to haue all comissioners, that so soone as the Court was constituted, they would, in the first  
 the kings mind comissioners, that so soone as the Court was constituted, they would, in the first  
 at once, &c. place, attend their motions, and not suffer any particullaire of the colony  
 to giue them any delay; the Court hauing, in conference w<sup>th</sup> the comissioners,  
 May the 4<sup>th</sup>, earnestly desired that they might know all that his majestje had  
 given them in comānd to declare to this Court, that so they might haue theire  
 whole worke before them, to w<sup>ch</sup> the comissioners repljed, that they should not  
 observe that method, but when they had received an answer to that which they  
 had given in, they would then present them w<sup>th</sup> more worke.

W<sup>ch</sup> y<sup>e</sup> comis-  
 sion<sup>r</sup> refuse.

The Court The Court, not prevayling w<sup>th</sup> them to attend so reasonable a motion,  
 therefor pro- May the 5<sup>th</sup> gaue their answer to the first fve papers aboue expressed in  
 ceeds to giue these following words:—  
 ans<sup>r</sup> to w<sup>t</sup> recd.

[\*495.] \*Honorable Gentlemen:—

Courts p<sup>r</sup>face Having perused the papers deliuered in by yo<sup>r</sup>sclues the day before ou<sup>r</sup>  
 to their ans<sup>r</sup> to election, & thereby vnderstanding you haue further to impart to us his majes-  
 y<sup>e</sup> 5 papers dd tjes pleasure, which, had it beene at once comūnicated to us, might, in our  
 in. apphentions, haue cōduced much to mutuall satisfaction; but your expecta-  
 tion of our answer to what yow haue already propesed, & our desires to  
 dispatch the busines of this Court, hath put vs vpon this breife returne at  
 present, reserving further libertje, if there be cause, to inlarg vpon the par-  
 ticulars.

1. Courts  
 thankfull ac-  
 knowledgm<sup>t</sup> of  
 his maj<sup>ty</sup>s grace  
 & favo<sup>r</sup>.

Wee doe, w<sup>th</sup> all humble thankefulness, (as becomes vs,) acknowledg his  
 maj<sup>ty</sup>s great grace, favo<sup>r</sup>, & kindnesse to this colony, expressed in his letters &

messuages at seuerall times, which wee haue implored, in some acknowledged, as wee had just cause, in other of our addresses to his maj<sup>ty</sup>, in which also wee haue professed our duty & loyalty to his majestje, & shall most readily lay hold of euery opportunity to manifest the same, & to assure his majesty thereof.

1665.

May session.  
& profession of  
duty & loyalty.

The matter vnto which your second instruction refers being now fully accomplished, there remaines no further answer to be made by vs thereto, only a thankfull acknowledgment to yo<sup>r</sup>selues, wherein yow haue done vs right in yo<sup>r</sup> giving his majesty a true accompt thereof.

For a mapp of the lymitts of our jurisdiction, vpon the first notice of yo<sup>r</sup> desires first made knoune to the Gouverno<sup>r</sup> & council by yo<sup>r</sup> letter from Road Island, dated March 13, 1664, care was then taken, & now such further provision is made, by this Court, that wee doubt not yow will speedily receive satisfaction therein.

Gentlemen: Wee are not conscious of any neglect in publishing his maj<sup>ty</sup>s last letter, for, hauing called a Generall Court in August last, to raise men for his maj<sup>ty</sup>s seruice, the sajd letter was comūnicated to the whole assembly, according to his majestjes comānd, & coppies thereof were spread abroad, that the people could not be ignorant of the contents thereof.

In like manner, gentlemen, the five papers deliuered the day before the election haue beene comūnicated to this whole Generall Court, & if yourselves desire any further publication thereof, wee shall endeauor yo<sup>r</sup> satisfaction therein, & shall be ready further to advise w<sup>th</sup> yourselves of the best meanes of remooving all jealousies, & silencing all scandalous & false rumo<sup>r</sup>s, that haue beene raysed, & preventing the same for the future, acknowledging it to be our duty to exert that power his maj<sup>ty</sup> hath betru<sup>st</sup>ed vs with to vindicate his ho<sup>no</sup>r; & yourselves, implojed by him, being enabled therevnto by yo<sup>r</sup> more particular information, which, in this case, yourselves will thinke necessary, it being extreemly difficult, if not impossible, to trace those wild & absurd rumo<sup>r</sup>s to their first fountajne, euery reporter comōnly contributing some addition to y<sup>e</sup> streame. If any haue industriously & maliciously scandalized his maj<sup>ty</sup> or comīssioners, they deserve severe punishm<sup>t</sup>. If rashly & vnadvisedly any haue discovered theire oune weakenes & folly, gentlemen, they may be the objects of yo<sup>r</sup> charity & candour, vpon the acknowledgment of their erro<sup>r</sup>, or of yo<sup>r</sup> justice, if theire oune discretion & yo<sup>r</sup> lenity p<sup>re</sup>uent not the same. Gentlemen: Our confidence of his maj<sup>ty</sup>s grace & favo<sup>r</sup> & royall intentions to vs, being further cherrished by yourselves, will vndoubtedly drawe from vs more ample (wee dare not say proportionable) expressions & demon-

2. Courts thankfulness to y<sup>e</sup> comīssion<sup>r</sup>s for giuing his maj<sup>ty</sup> a true acc<sup>pt</sup> of their readines to serve him ab<sup>t</sup> y<sup>e</sup> Dutch, &c.

3. Courts endeavor to p<sup>re</sup>sent them speedily w<sup>th</sup> a mapp.

4. Their sufficiently publishing his maj<sup>ty</sup>s letter to y<sup>e</sup> people.

& declare y<sup>e</sup> five papers were comūnicated to y<sup>e</sup> whole Court, & readines on y<sup>e</sup>ir further desire to advise of a meet way to comūcat them, &c.

& to remove jealousies & scandalous rumo<sup>r</sup>s on more p<sup>ar</sup>ticular information, &c.

Courts confidence of his maj<sup>ty</sup>s grace, &c.

1665. strations of our duty, loyalty, & good affection to his majestje, according as by  
our patent wee are bound.

May session.

By the Court.

EDWARD RAWSON, Secret.

Boston, 5<sup>th</sup> of May, 1665.

Directed ffor the honõble Colonel Richard Nicholls, & the rest of his  
maj<sup>ty</sup> com̄issioners, & was sent to them & deliuered by the secretary.

Vnto this answer of the Court the com̄issioners made a reply as fol-  
loweth : —

Com̄issioners  
reply to y<sup>e</sup>  
Courts ans<sup>r</sup> to  
y<sup>e</sup>ir 5 papers.

The reply of his majestjes com̄issioners to yo<sup>r</sup> paper of the 5<sup>th</sup> May, at  
Boston, 1665.

To the preface, wee haue onely this to say : that wee desire yow would  
[\*496.] \*jmprouoe that liberty w<sup>ch</sup> you haue reserved to enlarge vpon, as particulars  
shall arise, & wee shall readily attend some & propose other expedients for  
the more speedy & happy dispatch of the affaires depending in Court.

To the first head of yo<sup>r</sup> ans<sup>r</sup> : —

The oppertunity you sceme so willing to lay hold of is brought to your  
hands, accompanied w<sup>th</sup>all the circumstances of clemency & kindness w<sup>ch</sup> the  
rich heart of a gracious prince cann bestow vpon his subjects ; and wee doubt  
not that his majesty, when yow haue answered his expectation, will exceed  
yours.

To the second : —

Further discourse is vnnecessary, for the report is remitted to his majesty.

To the third : —

There are many things of great moment w<sup>ch</sup> cannot be heard or issued  
before we haue a perfect mapp of the lymitts of this jurisdiction, as they are  
exprest in the charter.

To the fowerth : —

Wee shall not agravate any neglect which is so solemnly disowned ; but  
suerly the publication of his maj<sup>tyes</sup> last letter ought to haue had a better in-  
fluence, & given a new life to the contents of his majestjes letter of June the  
28, 1662, w<sup>ch</sup> hath slept so long in some hands that wee hope now this Gen-  
erall Court will see great cause, by practicall assertions of their tender duty &  
obedienc, to give his maj<sup>ty</sup> more full satisfaction therein.

To the fifth : —

Wee are fully persuaded that the printing of the results & conclusions which shall be made betweene us, on his majestjes part & yo<sup>r</sup>selues, will be the best meanes of remooving all jealousies, both for the silencing of scandalous & false reports which haue been rayсед. Wee suppose that the comittee already appointed by you will not only prepare some remonstrance of detestation against such former practises as false & malicious, but take such due examinations & depositions as shall be tendered against any particullar person or persons whom wee shall leaue to your justice, though wee haue very candid intentions of a charitable constru<sup>o</sup>n, where either weaknes or folly haue beene the cheife ingredients of their venomous discourses; but, in the meane time, wee thinke it necessary that it may be knoune what hath beene sajd, or cann be made appeare, before the comittee to whom wee shall giue the names of some wittnesses to one particullar, w<sup>th</sup>out raking into the ashes of any more.

To the conclusion : —

Wee suppose yo<sup>r</sup> expressions fall as short of yo<sup>r</sup> intentions as they are in trueth of that loyalty which Englishmen owe to their king. Wee thinke it, therefore, fit only to reminde you, that although there remaines a particullar obligation vpon this colony to his maj<sup>ty</sup> for his grace & favo<sup>r</sup> in granting such priuiledges & imunitjes as are exprest in the patent, yet the llimits of that obligation are too narrow to circumscribe all that duty & allegiance, which, from naturall borne subjects, is due to his majestje, & yo<sup>r</sup>selues haue in former papers more suitably exprest. Gentlemen: Wee shall at any time or place debate, consult, & advise w<sup>th</sup> any members of yo<sup>r</sup> Court towards the dispatch & the right vnderstanding of our publick negotiations, & in all other things yow will finde us disposed to all those parts of chearfullnes, openesse of heart, & sincerity of actions, which, by the blessing of God, will vndoubtedly produce that mutuall confidence which is necessary to the welfare of this colony, & of ample satisfaction to his maj<sup>ty</sup>.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAUERICK.

To the Generall Court of his majestjes colony of the Massachusetts.

May the fifth, his majestjes comissioners deliuered into the Court flower writtings, conteyning fiue of his majestjes instructions, the words whereof are as followeth : —

1665.

May session.  
Comission<sup>r</sup>s as  
section y<sup>t</sup> print-  
ing y<sup>e</sup> result  
betweene them  
& y<sup>e</sup> Court  
the best way to  
remooe jeal-  
ousies.

1665.

May session.

[\*497.]

His maj<sup>ty</sup>s 5<sup>th</sup>  
instru<sup>con</sup>, re-  
quiring his  
com<sup>missio</sup>s to  
informe them-  
selves of the  
Indian princes,  
&c, w<sup>th</sup> couen-  
nts haue binn  
made.

How kept.

To vissit them,  
&c.

\*Part of the kings instructions to vs.

Yow shall informe yourselues by all the wayes & meanes yow can vse of the state & condition of the neighbor kings & princes of the other naties adjoyning, & shall enquire what treatjes or contracts haue been made betweene them & any of our subjects, & how the same haue beene observed & performed on the parte & behalfe of our sajd subjects; & if yow finde that there hath beene any fayler therein, that you take effectuall course that the same be punctually performed, & that full reparation & satisfaction be made them for any injury or damage they haue susteyned, since any violation of promise, or other violence, will discredit & call into quæstion the faith of Christianity, & disappoint or obstruct our great end of conuersion of infidells in those parts; and yow shall vse all the wayes you cann to let those princes & other Indians know of the charge wee haue given in this particullar, & of your readinesse to redresse any thing that hath been done towards them against the right rules of justice & good neighborhood; and if there be opportunity or occasion, you shall yourselues, or one or more of you, (as you shall think fit,) vissit or receive any of those princes or great men, & assure them of as much in our name, & enter into such further treatjes w<sup>th</sup> them as yow shall judge convenient.

Gentlemen: —

Wee haue received many great complaints from the Nanyaganset Indians against this colony, for acts of violenc & injustice done against them, & wee feare since that time they submitted themselues & their country to Charles the First, of blessed memory. Yow see the kings com<sup>mands</sup> to vs; wee shall be thankefull to you for your advice, if you will tell us how wee may probably attayne to a true information of those differences, that wee may both doe justice, & giue the king a just accompt w<sup>thout</sup> doing injury to either party by word or deed.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAURICKE.

6. Instruction  
to inquire after  
y<sup>e</sup> founda<sup>con</sup> &  
mainten<sup>ce</sup> of y<sup>e</sup>  
colledg, &c.

6. Part of the kings instructions to vs.

You shall make due inquiry what progresse hath beene towards the founda<sup>con</sup> & maintenance of any colledg or schooles for the education of youth, & in order to the conuersion of infidells, & what successe hath attended their pious endeavo<sup>rs</sup> of that kind, wee hauing received abundant satisfaction & content in the account wee haue received of their designes herein, w<sup>ch</sup> wee

doubt not will drawe a blessing vpon all their other vndertakings, & wherein they shall receive all countenance, protection, & assistance from vs.

1665.

May session.

Gentlemen : —

All the particulars concerning this part wee cann only haue from yow, & therefore desire that wee may receive such information from yow concerning them as may still give the king abundant satisfaction & content, & that may afford you more encouragement & asistance.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAUERICK,

Part of the kings instructions to us.

Since it cannot be supposed that any gofiment cann be setled, but that the gofūn's will be attended w<sup>th</sup> malice & envy enough, & discontented or vnlucky men will be forward to traduce or accuse those who are in authority, or in a better condition (as they thinke) then themselves, yow shall not give too easy an eare to clamours & accusations against those who are or haue binn in places of gouernment, except the information be seconded or ounded by men of æquall condition, & then yow shall proceed in examination & determination of it, according to the rules of justice, w<sup>th</sup>out respect of persons or opinions.

7. Instruction requiring y<sup>e</sup> co<sup>m</sup>missio<sup>n</sup>s not to give to easy eares to clamours ag<sup>t</sup> p<sup>er</sup>sons in authority, &c.

\*Yow shall not receive any complaints of any thing donne amisse by any magistrate, except it be against æquitje, or against their charter, which is to regulate & bound all their actions, nor shall yow interrupt the proceedings in justice, by taking vpon you the hearing & determining any particullar right betwixt partje & partje, but shall leaue all matters of this nature to the vsuall proceedings in the seuerall jurisdictions of the country, except those proceedings be expressly contrary to the rules presented by the charter, or that the matters in difference doe arise from some expression or clause conteyned in some grant vnder our great seale of England, in all which yow are to proceed according to justice, after a due examination of all matters & circumstances.

[\*498.]  
8. Instruction that they interrupt not the proceedings in justice, &c, except, &c.

Gentlemen : —

Wee haue from the English also received many complaints ag<sup>st</sup> the colony, for having received hard measure in seuerall kinds; amongst those one more especially, a coppie of which wee shall deliuer yow, if you please, which, though wee dare not refuse to heare & examine it, yet the respect which wee haue hitherto alwayes shewed to the authority w<sup>ch</sup> is constituted & appointed by his maj<sup>ty</sup> in the seuerall colonjes where wee haue beene,

Co<sup>m</sup>missioners tender, &c.

1665. makes vs willing to leaue it to your chojce, whether wee shall heare it at  
 Providence, in the kings prouince, or hereafter our retorne from the eastward  
 May session. plantations, or now before wee goe.

RICHARD NICCOLLS,  
 ROBERT CARR,  
 GEORGE CARTWRIGHT,  
 SAMUEL MAUERICKE.

9<sup>th</sup> instruction.

Part of the kings instructions to vs.

You that in due season (and after you haue passed thorough those affaires which haue more difficulty, & which require an vnion & consent betweene all interests) take a vejw of our letter of the twenty-eighth of June, 1662, & examine how all those particulars therein injoynd by vs, & which ought, by their charter, to be obserued, haue been or are put in practice ; as, —

1. That all persons take the oath of allegiance.
2. That all processe & administration of justice be performed in our name.

3. That such who desire to vse the Booke of Coṃon Prayer may be permitted to doe so w<sup>th</sup>out incurring any pœnalty, reproach, or disadvantage in his interest, it being very scandalous that any persons should be debarred the exercise of his religion according to the lawes & custome of England, by those who, by the indulgence granted, haue liberty left to be what profession in religion they please.

4. In a word, that persons of good & honest conversations, who haue liued long there, may enjoy all the priuiledges, ecclesiasticall & civil, which are due to them, & which are enioynd by others, as to choose & be chosen into places of gouernment, & the like, & that differences in opinion doe not lessen their charity to each other, since charity is a fundamentall in religion.

Coṃmissioner  
 motion there-  
 vpon.

Gentlemen : —

In obedience to this part of his majestjes coṃānds, wee haue brought the copie of the kings letter, of June 28, 1662, & the other copie mentioned before ; & \*desire, that vpon examination of the particulars, wee may be able to give the king such an information as may be to his full satisfaction.

RICHARD NICCOLLS,  
 ROBERT CARR,  
 GEORGE CARTWRIGHT,  
 SAMUELL MAUERICKE.

[\*499.]

\*May the 8<sup>th</sup>, his majestjes coṃissioners deliuered into the Court theire

writings, part of his majesties instructions to them, w<sup>ch</sup> were read in Court, the words whereof are as followeth: —

1665.

May session.

Part of the kings instructions to vs.

10<sup>th</sup> instruction.

Yow shall make due inquiry whither any persons, who stand attainted here in Parljamēt of high treason, haue transported themselues thither, & doe now inhabit or reside, or are sheltered there; & if any such persons are there, yow shall cause them to be apprehended, & to be put on shipboard, & sent hither, to the end that they may be proceeded w<sup>th</sup> according to lawe; & yow shall likewise examine whither any such persons haue binn enterteyned & received there since our returne into England, & what is become of them, & by whom they were received & enterteyned there, to the end, & for no other, (for wee shall not suffer the act of indemnity to be in any degree violated,) that those persons may be taken the more notice of, & may hold themselues to take the more care for their future behauiour.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORG CARTWRIGHT,  
SAMUEL MAURICKE.

Part of the kings instructions to vs.

11<sup>th</sup> instruction.

You shall take care that such orders be established there that the act of nauigation be punctually obserued, & that an entry be duely made of all shippes freighted from thence, & that once every yeare there be a list returned to our farmers & officers of the customes of all such shippes, w<sup>th</sup> the burden, the masters names, & the true & exact bills of loading; & because yow all know w<sup>th</sup> how great earnestnes our two houses of Parljamēt formed & presented to vs for our royall assent the act of nauigation as of infinit concernment to the trade & benefit of this our kingdome & all the rest of our dominions, & w<sup>th</sup> what care wee haue, since the passing thereof, watched that the same be duely executed, & obedience be given therevnto, as a thing wee well know the heart of this whole nation are set vpon, therefore you must lett the council & assembly there know that wee cannot, but take notice how much that act is violated & transgressed there, & what ill acts are practised by some in authority there to enervate & avoyd the same, some men pretending as if some acts made in the assembly there during the last rebelljon were still in force, notwithstanding the sajd act of Parljamēt, which assertion wee must not suffer to be made about the validitje of that act of Parliament, (to which wee require & will exact an entire & full obedience.) Yow shall take care that all acts made

To inquire how the act of nauigation is attended to.

Y<sup>t</sup> all lawes repugnant to it be annulled, &c.

1665.

May session.

To inquire into  
Tho. Deanes  
comp<sup>l</sup>, &c.

there, w<sup>ch</sup> are or seeme to be against that act of Parljamēt, or against the true intention & meaning thereof, be forthwith repealed & taken of the file, & no more remajne vpon record there.

And because wee haue received complaint from our trusty & well beloued Thomas Deane of some injustice done to him & other our good subjects who joynd w<sup>th</sup> him in endeavoring to procure the execution of that act of Parljamēt when the Charles of Ouerroone came into the port of Boston about the yeare 1661, in the carriage whereof they did not receive that countenance of some who were then in authority as they ought to doe, & were in plaine termes denjed justice euen, w<sup>th</sup> reproaches for requiring it, our will & pleasure is, that yow examine the whole proceedings in that cause, & that, vpon full deliberation & examination thereof, yow cause justice to be done, & such reparation be given to the sajd Thomas Deane, & the rest who joynd w<sup>th</sup> him in the prosecution of that busines, as vpon the merrits of the cause, & by virtue of the sajd act of Parliament, they ought to receive.

[\*500.]

Comissioners  
desire of a  
booke of our  
lawes, &c.

\*Gentlemen : —

Wee, in his majestjes name, desire a booke of your lawes may be sent vs, that wee may haue the perversall of yo<sup>r</sup> lawes, that such as are against this act, & such as are contrary & derogatory to the kings authority & gouernment, mentioned in his gracious letter of June 28, 1662, may be anulled & repealed.

RICHARD NICOLLS,  
ROBERT CARR,  
GEORG CARTWRIGHT,  
SAMUEL MAURICKE.

12 instruc-  
tion.

To inquire  
after y<sup>e</sup> frame  
of y<sup>e</sup> govm<sup>t</sup>,  
number of  
ships, militia,  
taxes, &c.

Part of the kings instructions to vs.

Yow shall, before the conclusion of yo<sup>r</sup> employment, thoroughly informe yourselues of the whole frame & the constitution of the gouernment there, both ciuil & ecclesiasticall, of the yearly taxes & impositions of our people, & how the same are issued out, of the number of shipping belonging to that colony, & the seuerall ranks thereof, & of the number of the militia, both of horse & foote, & of the walled or fortified townes & forts, & of all other particulars which may enable yow to give vs an account of the estate of our good subjects & gouernment of that colony.

Comissioners  
motiōn.

Gentlemen : —

Wee desire that you would appoint some amongst yourselues to draw vp

an information of all those particulars towards the satisfaction of his maj<sup>ty</sup> desires. 1665.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORG CARTWRIGHT,  
SAMUELL MAUERICKE.

May session

May the ninth the Court sent vnto the comissioners a proposall in writing, the words whereof are as followeth : —

Gentlemen : —

Vpon pervsall of the papers yow haue diliuered vs, as also of a copie of a warrant to John Porter, said to be signed by three of yo<sup>r</sup>selues, wee apprehend our patent, & his majestjes authority therein comitted vnto vs, to be greatly infringed. Your answer, for help to a right vnderstanding thereof, will be very acceptable to vs, & greatly facilitate our returne to what yow haue already presented vnto vs.

Courts second ans<sup>r</sup> to y<sup>e</sup> comissioners paper declaring the libertjes of our patent greatly infringed.

Directed to y<sup>e</sup> hono<sup>ble</sup> Col. Rich. Niccolls, & y<sup>e</sup> rest of his maj<sup>ties</sup> comissioners.

By the Court.

EDW: RAWSON, Secret<sup>r</sup>.

Boston, 9<sup>th</sup> May, 1665.

May the 10<sup>th</sup>, in answer to the Courts proposall aboue written, the comission<sup>rs</sup> made this following reply : —

In answer to yo<sup>rs</sup> of the ninth, wherein his majestjes instructions & the warrant to John Porter are misinterpreted, wee desire yow will appoint some persons w<sup>th</sup> whom wee may haue a conference, to the better information of the Generall Court, that your patent is not in the least infringed.

Comissioners returne y<sup>t</sup> y<sup>e</sup> libertjes be not infringed, & c, desire of a comittee, & c.

Directed to the Generall Court of his majestjes colony of the Massachusets.

May 10<sup>th</sup>, 1665.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUEL MAUERICKE.

Comittee conference w<sup>th</sup> his maj<sup>ties</sup> comissioners ab<sup>t</sup> infringem<sup>t</sup> of libertjes, & c. Comissioners assertion y<sup>t</sup> w<sup>h</sup> y<sup>e</sup> had donne was according to y<sup>e</sup> comissio<sup>n</sup>, & no infringm<sup>t</sup>, & c.

To this motion of the comissioners, the Court readily complied, & nominated a comittee of eight gentlemen, who accordingly attended the Courts order, & wajted vpon the comissioners at their chamber, May the 11<sup>th</sup>, 1665, in which conference the comissioners manifested their great dissatisfaction w<sup>th</sup> the Courts proposall, & asserted that, in the cases wherein the Court objected against their proceedings, they had donne nothing but what his maj<sup>ties</sup> comission

1665.

May session.  
Comittees ans<sup>r</sup>  
y<sup>t</sup> gou. & comp.  
have power  
from y<sup>e</sup> charter  
of gou<sup>mt</sup> of  
making lawes.  
Y<sup>e</sup> charter a  
royall warr<sup>t</sup> to  
execut y<sup>e</sup>  
lawes.

[\*501.]

Execution of  
justice from his  
authority & in  
his name, not  
unwilling to  
giue an ac<sup>t</sup> in  
any matter  
objected ag<sup>t</sup> y<sup>e</sup>  
gou<sup>mt</sup>.

Appales in  
criminalls ju-  
dicially sen-  
tenc very  
burdensome.

Where y<sup>e</sup>  
gou<sup>mt</sup> is made  
æquall w<sup>th</sup>  
crim. offend<sup>rs</sup>  
at y<sup>e</sup> barr of  
anoth<sup>r</sup> tribu-  
nall, then w<sup>t</sup> y<sup>e</sup>  
charter men-  
tions.

Jn<sup>o</sup> Porter, y<sup>e</sup>  
p<sup>r</sup>son inst<sup>d</sup>,  
justly rancked  
amongst y<sup>e</sup>  
vilest malefac-  
tor.

Deserued a self  
punish<sup>t</sup>.

Such a breach  
an inlet to  
much trouble,  
an encourag<sup>t</sup>  
to form<sup>r</sup> male-  
factors to  
trample on  
gou<sup>mt</sup>.

Had not such  
binn punish<sup>t</sup> y<sup>e</sup>  
colony had ne<sup>ed</sup>  
attaind to w<sup>t</sup> it  
is.

For y<sup>e</sup> gou<sup>mt</sup>  
to respond, & c<sup>o</sup>,  
a burden in-  
supportable.

did warrant them to doe, & that our patent is not thereby infringed; in answer wherevnto, the gentlemen sent by the Court humbly pleaded that his majes-  
ties charter doeth give to the Gouverno<sup>r</sup> & Company heere full & absolute power  
& authority for the gouernment of his subjects of this colony, & for the  
making of lawes suiteable to that end, (not repugnant to the lawes of Eng-  
land;) for the putting such lawes in execution, the sajd charter is their royall  
warrant & discharge; & that the execution of justice here is by his maj<sup>ty</sup>s  
authority, & in his name, yet they were very willing to give an account in any  
matter objected against the gouernment, or any the proceeding thereof, account-  
ing it their duty to giue his maj<sup>ty</sup> full satisfaction in any case wherein \*he re-  
quired an account of them, or that themselues, his comissioners, should see  
meet to inquire into.

They further pleaded that it would be an vnsufferable burden in case  
particular persons, judicially prosecuted & sentenced for criminall offences,  
should haue liberty to make their appeales, (not only from inferio<sup>r</sup> to the high-  
est authority heere established by our constitution, according to his majestjes  
royall charter, which is allowed to all persons whatsoever, but also from the  
highest, as aboue is exprest,) & thereby cause the Court that passed sentence  
against them, or the whole colony, to stand æquall w<sup>th</sup> them at the barr of  
another tribunall, diuers from that established heere according to our charter,  
and in particullar instanced the case mentioned in their proposall, i. e., of John  
Porter, Juñ, vnto whom the comissioners had granted a protection, (against the  
sentence of the Court,) who, amongst the vilest of malefactors, & deserving a  
more severe sentence then that which the Court passed, presumed to plead  
that he had susteyned great wrong by the proceedings of the Court against him;  
& in case such breach should be made in the wall of our gouernment, it would  
be an inlett of much trouble to vs, & all sorts of persons formerly punished  
(though neuer so justly) now would hope for some reparation to be made to  
them, euen such as suffered twenty, yea, thirty yeares & more since, now  
resolving to trample vpon the authority that sentenced them, when those gen-  
tlemen that had the cognisance of their causes were remooued by death, &  
consequently the grounds of their proceedings in many cases (in a great  
measure, at least) more difficult to be made appeare; and if such malefactors  
had binn suffered to passe vnpunished, it had binn impossible for his majesty  
to haue had a colony of people here, at least such as now, thorough the good-  
ness of God, is encreased vnto.

And in case the whole colony, Gouverno<sup>r</sup> & Company, be bound to  
respond, as is the case now in hand, & as now they were required by the  
comissioners, the burthen would be so vnsupportable that those who are

able to remooue themselves must be necessitated to returne & liue vnder his majesties wing, as nere him as they could, & vnder the security of the lawes & priuiledges of their native country, rather then to be vnder the arbitrary determination of comissioners, whose rule is their discretion, as themselves plead.

And on the quæstion propounded by the sajd gent<sup>a</sup> to the comissioners, whither they would haue a jury to passe on such cases as they heard, they answered, No, — their comission was a comission of oyer & terminer, & they would haue no jury.

By what lawe they would proceed in judgment?

They answered, By the law of England.

Whither, on their hearing of appeales from the sentence of those Courts, they would admitt any new evidences other then the former Court had presented to them at the first hearing thereof?

They answered, Yea.

Wherevnto the gentlemen sent by the Court replied to this effect: That his majesties charter doeth grant vnto his subjects here the enjoyment of *of* all the priuiledges of any the naturall subjects w<sup>th</sup>in any of his dominions, a cheife one whereof is, that no judgment shall passe on any mans person or estate but by the lawfull triall of his peeres, & that the rule of triall shall be the lawes of the land, on the assurance whereof, together w<sup>th</sup> other the priuiledges granted in his royall charter, they left their deare relations, & parted w<sup>th</sup> their inheritances in their native country, venturing the liues of themselves & familjes into this wilderness, & here, w<sup>th</sup>out any expence to his majestie, haue raised vp a colony of people to his majestie, proceeding out of their *\*their* oune lojnes; & now this would be a great addition to their former sorrows for their so great bereauements to be at once reduced to such an exigence, that either they must be charged w<sup>th</sup> deniall of his majesties authority ouer them, or else must yeild to the prostrating of his majesties authority, orderly established heere according to the grant of his royall charter, vnder the broad seale of England, & submit themselves, their liues, & estates, & their liberties, farr dearer then them both, to another authority, whose rule is their oune discretion; but all this notw<sup>th</sup>standing, the comissioners still insisted vpon it that they were comissionated to act as they had proposed in all his majesties dominions heere, & required that we should submit thereto.

Wee shall now proceed to give an account of the Courts answer to the seuerall instructions, in the same words as they were deliuered in writting to the comissioners, which are as followeth: —

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May session.

Better to return & liue vnder his maj<sup>ty</sup> wing then be vnder arbitrary determinations.

On y<sup>e</sup> qust<sup>r</sup> whither a jury should passe, &c.

1. A jury denyed.

2. On y<sup>e</sup> qust. by what lawe they would proceed, by y<sup>e</sup> law of Engl.

3. And new evidences to be admitted.

The charter grants all y<sup>e</sup> priuiledges of naturall subjects.

A cheife one is to be tryd by ones peeres.

The lawes of y<sup>e</sup> land the rule of triall.

On assurance whereof all relye  
[\*502.]

lations & inheritances parted from & hazards runn a colony raised w<sup>th</sup>out expence to his maj<sup>ty</sup>.

A gr<sup>t</sup> streigh either to *to* be s<sup>d</sup> to deny his maj<sup>ty</sup> authority or prostrat his authority here establish to another authority, w<sup>th</sup> liberties, estate, & liues, &c.

All y<sup>e</sup> notwithstand., y<sup>e</sup> comiss. insist on vrge their comiss., & require a submitio yerto.

1665.

To the 5 instruction.

Gentlemen:—

May session.

Courts ans<sup>r</sup> to  
5th instructon.Indians vse to  
complainewhen y<sup>e</sup>y doe  
y<sup>e</sup> injury.All differences  
in relation to  
y<sup>e</sup> Indians have  
been issued by  
y<sup>e</sup> commissio<sup>r</sup>s of  
Vnited Colo-  
nies aboue 20  
yeers.

It is no strange thing to vs that haue beene so long acquainted w<sup>th</sup> the falshood & barbarous practises of the Indians, Narragansets & others, to heare them make complaints, when themselues haue donne the jnjury. Wee haue beene conscientiously carefull euer since our coming hither so to demeane ourselves towards them, as to prevent & cut of all just cause of complaints; wee know not of any wrong donne them by this gouernment, or any particcular person therein; all differences relating to the Indians for more then twenty yeares haue beene transacted & issued by the joint consent & agreement of the Vnited Colonjes, and to be seene amongst the acts of the commissioners, together w<sup>th</sup> the grounds & reasons of their proceedings, the perysall whereof may give the best information that wee cann suggest.

Directed to the  
Hon<sup>bl</sup> Col.Rich. Nicolls,  
& the rest of  
his maj<sup>ty</sup>  
comissioners.Courts ans<sup>r</sup> to  
y<sup>e</sup> 6 instructon  
& commissio<sup>r</sup>s  
proposall.Mr Harvard,  
founder of y<sup>e</sup>  
colleg at Cam-  
bridg.

By the Court.

EDWARD RAWSON, Secrety.

To the 6<sup>th</sup> instruction.

Gentlemen:—

In ans<sup>r</sup> to his majestjes instructions, No. 6, & your proposition therevpon, yow may please to take notice, that there is a smale colledge in this jurisdiction, at the toune of Cambridge, called Harvard Colledge, the first & principall benefactor & founder thereof being of that name. There hath beene, & is, seuerall summes disbursed by the treasurer of this jurisdiction, both for the building & maintenance thereof; some smale additions likewise haue beene cast in from the beneficence of some well disposed persons.

Out of w<sup>ch</sup> a  
100 able  
preachers,  
phisitions, &  
chirurgeons  
haue issued &  
binn servicea-  
ble in his maj<sup>ty</sup>  
dominions.

Wee haue appointed the præident, fellowes, & treasurer of the sajd colledge to give yow a particular account thereof, if yow desire it, and through the blessing of God, wee may say, (& that w<sup>th</sup>out boasting,) that at least one hundred able preachers, phisittians, chirurgeons, & other vsefull persons, that haue been serviceable in his majestjes dominions, haue issued thence touching other schooles; there is by law enjoyned a schoole to be kept & maintejned in euery toune, & for such tounes as are of one hundred familjes, they are required to haue a grammar schoole; the country is generally well prouided of schooles; concerning the civillizing & instructing the Indians in the knowledge of God & humajne learning, there is a smale colledge or fabricke of bricke erected in Cambridge, peculiarly appropriated to the Indians, which was built on the accompt & by the order of the corporation; there are eight Indian youths, one whereof is in the colledg, & ready to comence batchiler of art, besides another, in the like capacity, a few months since, w<sup>th</sup> seuerall English, was murdered by the Indians at Nantucket; & at other schools some ready to

A brick fabrick  
erected for y<sup>e</sup>  
Indians.8 at Cambridg,  
cne whereof  
murderd; an-  
other, ready to  
comence bach-  
iler.

come into \*the colledge, all which haue been & are mainteyned on the states account & charge. There are sixe tounes of Indians within this jurisdiction, who professe the Christian religion, who haue lands & touneships set forth & appropriated to them by this Court; there are also persons appointed to gouerne & instruct them in civillity & religion, & to decide controuersies amongst them; the Saboath is constantly kept by them, & they all attend to the publick worship of God; they haue schooles to teach their youth to reade & write in seuerall of their tounes, & many of their youth & elder persons can read & write.

If yow please to be eye & eare witnesses of the truth of these things, wee haue appointed the persons that attend that worke to wajte vpon you, & shew their tounes & manners.

By the Court.

EDW: RAWSON, Secrety.

Boston, 11<sup>th</sup> of May, 1665.

1665.

May session.

[\*503.]

6 Indian tounes & lands appropriated to them, &c.

Indian schooles, many can read & wrjte.

Direc to the Honoble Col. Ri. Niccolls & y<sup>e</sup> rest of his maj<sup>ty</sup>s comissioners.

To the 7 & 8 instructions.

Gentlemen: —

In answer to your proposition vpon his majesties instructions, No. 7, 8, wherein you offer vs the chojce of the place for you to heare & examine complaints made to you ag<sup>t</sup> vs, wee conceive our charter vnder the great seale of England giveth full power vnto the authority here established according thereto, to gouerne all the people of this place, whither inhabitants or straingers; & for all legall acts & administrations of gouernment it giues vs a sufficient royall warrant & discharge.

This charter is confirmed by the kings most excellent majestie, now reigning, & appointed to be inviolably obserued, as your instructions doe againe & againe assure vs; the inviolable observation heereof seemes inconsistent w<sup>th</sup> your hearing & determiñg complaints & appeales against vs.

Neuerthelesse, wee haue desired to be doers of truth & righteousnes, & therefore not to shunne or decljne the light; so if you shall please to jmpart the complaints that are brought in against vs, wee hope to give such an answer & account as shallbe consonant to reason & æquitje, whereby you may satisfy his majesty that our actions haue not beene such as euill minded men would willingly represent them.

By the Court.

EDWARD RAWSON, Secrety.

Boston, 11<sup>th</sup> of May, 1665.

Courts ans<sup>r</sup> to y<sup>e</sup> comissioners proposall on 7, 8 instruction, in w<sup>ch</sup> is asserted y<sup>t</sup> y<sup>e</sup> charter enables y<sup>e</sup> authority here to gou. inhabi. & strangers, &c.

W<sup>ch</sup> charter y<sup>e</sup> kings com<sup>d</sup> is to be inviolably obserued. & cannot consist w<sup>th</sup> others hearing & complaints ag<sup>t</sup> vs. Yet not vnwilling to giue an account as shall be consonant to reason & æquity, &c.

Direct to y<sup>e</sup> honoble Colon. Rich. Niccolls, & y<sup>e</sup> rest of his maj<sup>ty</sup>s comissioners.

To the 9<sup>th</sup> instruction.

Gentlemen: —

In answer to yo<sup>r</sup> paper, No. 9, touching his majesties letter, dated

Courts ans<sup>r</sup> to the 9<sup>th</sup> instruction.

1665.

May session.

28<sup>th</sup> June, 1662, this Court hath endeavo<sup>r</sup>ed formerly to satisfy his maj<sup>ty</sup>'s expectations therein, as may appeare by our applecations to him, & the making & executing some lawes & orders referring thereto, but yet that our readlines may further be manifested to satisfy his majestje, whose favo<sup>r</sup> & grace wee highly prize, & whom to offend wee hope shall neuer justly be imputed to vs; wee shall further say to the particulars mentioned in that letter, as followeth:—

Courts resolution to beare faith & true allegiance to his maj<sup>ty</sup>, & to adhere to their patent, &c.

And order y<sup>t</sup> as at first so the oath be administred to all admitted to freedom, or imployed in publick trust & other housholders y<sup>t</sup> haue not already taken it.

[\*504.]

Justice in y<sup>e</sup> kings name constantly practised, &c.

#### Touching the oath of allegiance.

The declaration of this Court, published in August last, in these words, viz<sup>t</sup>: This Court doeth expresse & declare, that it is their resolution, God asisting, to beare faith & true alleagiance to his majestje, & to adhere to their patent: the dutjes & priuiledges thereof, &c, will be a witnes against us, should wee be found to act contrary therevnto; & as for many of those persons now in publick trust, as also a great part of the people here, they haue tooke the same at their coming from our deare native country, & as at the first constitution of this gouernment, according to his majestjes charter; it was then observed & administred, by one of the then masters of the chancery, to M<sup>r</sup> Mathew Cradocke, the first Gouvernor of this plantation; so wee haue ordered that for the future the same practise be observed in the administration of oathes to such as are \*admitted to the freedome of this country, or imployed in publick trust, & to all other house holders who haue not taken it already.

For administration of justice in the kings name, it hath binn for some times past constantly practised.

For common prajer, Courts mind & desire fully declared in y<sup>e</sup>ir addreses, &c.

#### Concerning the vse of the Common Prayer Booke.

Our humble addresses to his maj<sup>ty</sup> haue fully declared our majne ends in our being voluntary exiles from our deare native country, which wee had not chosen at so deare a rate, could wee haue seene the word of God, warranting us to performe our deuotions in that way, & to haue the same set vp here: wee conceive it is apparent that it will disturbe our peace in our present enjoyments.

Touching civil libertjes, our lawe fully provides, &c.

#### Touching civil libertjes.

To elect or be elected vnto civil offices, the quallifications mentioned in his majestjes letter, being orderly evidenced to us, are accepted, as may appeare by our late lawe & practise therevpon.

Concer. ecclesiasticall priuiledges, y<sup>e</sup> Court comends y<sup>e</sup> word of God for y<sup>e</sup> rule, &c.

#### Concerning ecclesiasticall priuiledges.

Wee haue comended to the ministry & people here the word of the Lord

for their rule therein, as yow may find by your pervsall of our lawe in the Ecclesiasticall, page 25.

1665.

May session.

By the Court.

EDW: RAWSON, Secrety.

Boston, 16 of May, 1665.

Direc̃ to the Honoꝛble Colonel Richard Nicholls, & the rest of his majesties cõmissioners.

Here also followeth a copie of y<sup>e</sup> Courts order concerning the oath of allegiāc, in y<sup>s</sup> wordes:—

Order for y<sup>e</sup>  
oath of allegi-  
anc.

It is ordered by this Court, & the authority thereof, that the following oath be annexed vnto the oathes of euery freeman & oath of fidellity, & to the Gouvernoꝛ, Dep<sup>t</sup> Gouvernoꝛ, & Asistants, & to all other publicke officers, as followeth:—

The oath of a freeman & fidelity to runne thus:—

Whereas I, A B, am an inhabitant w<sup>th</sup>in this jurisdiction, considering how I stand obliged to the kings majestje, his heires & successors, by our charter & the government established thereby, doe sweare accordingly, by the great & dreadfull name of the euer living God, that I will beare faith & true allegiance to our soueraigne lord the king, his heires & successors; & so proceed as in the printed oathes of freedom & fidelity.

Oath of allegi-  
ance for free-  
men & inhab-  
itants, &c.

The oath of the Goũnoꝛ, Dep<sup>t</sup> Goũnoꝛ, & other publicke officers, to runne thus:—

Y<sup>e</sup> oath for y<sup>e</sup>  
Goũnoꝛ &  
other officers,  
&c.

Whereas I, A B, am chosen Gouvernoꝛ, &c̃, considering how I stand obliged to the kings majesty, his heires & successors, by our charter, & the gouernment here established thereby, doe sweare, &c̃, as aboue.

By the Court.

EDW: RAWSON, Secrety.

Boston, 16<sup>th</sup> of May, 1665.

To the honoꝛble Colonel Richard Nicolls & the rest of his majestjes cõmissioners.

To the tenth instruction.

Gentlemen:—

Since his majestjes returne into England, wee are ignorant of any persons attainted of high treason to haue ariued heere, except M<sup>r</sup> Whalley & Goffe, who, coming hither in the summer, sixteen hundred & sixty, &, as wee suppose, before the act of Parljamēt, departed this jurisdiction the February following; & soone after their departure, intellegence coming from Barbadoes of a proclamation for the apprehending the sajd persons, a warrant was issued out by order of the councill to search for & ap̃phend them if found in our

Courts ans<sup>r</sup> to  
the tenth in-  
struction.

On first notice  
of Whalley &  
Goffs attainer  
of treason.

Warrant issued  
out for their  
ap̃heñon if  
found in our  
jurisdiction.

**1665.** jurisdiction. About two months after a warrant from his majestje was brought to the late Gouverno<sup>r</sup>, who dispatched the same by M<sup>r</sup> Kellond & M<sup>r</sup> Kirke to Conecticott & New Hauen, whereabouts they were reported to be ; an account whereof hath already beene giuen to his majesty.

May session.

By y<sup>e</sup> Court.

EDW: RAWSON, Secrety.

Boston, 16th May, 1665.

To the hono<sup>r</sup>ble Colonel Richard Nicolls & y<sup>e</sup> rest of his maj<sup>ty</sup>s co<sup>m</sup>missioners.

[\*505.]

\*To the 11<sup>th</sup> instruction.

Courts ans<sup>r</sup> to 11 instruction y<sup>t</sup> y<sup>e</sup> act of trade hath bene obs<sup>r</sup>ved. No law of ours ag<sup>t</sup> it, such as seemd to be repealed. Y<sup>e</sup> secret to give acct of the Courts proceeding & readines to doe M<sup>r</sup> Deane justice, &c. Court ignorant of any reproaching him, &c.

Gentlemen : —

In ans<sup>r</sup> to your paper, N<sup>o</sup> 11, about the act of nauigation, &c, the act for trade hath for some yeares beene obs<sup>r</sup>ved heere, as our orders will declare ; but conceiue wee haue been misrepresented to his majesty, being not conscious to ourselues that wee haue greatly violated the same, neither know wee any lawe of ours against it ; such as appeared so to be are repealed, as yow may finde in our lawe booke, sent vnto yow. For the instance given, wherein wee are charged w<sup>th</sup> injustice towards M<sup>r</sup> Thomas Deane & others, when the ship Charles of Oueroone came (as is sajd) into the port of Boston, wee cannot but belieue that yow will finde it otherwise when you haue an account of our proceedings in that case, which wee haue ordered the secretary to present vnto yow ; neither doe wee know that justice (according to a due forme of law) was denjed him or any other, or that any in authority heere discountenance or reproached him or any of his partakers for their proceedings in y<sup>t</sup> case.

By y<sup>e</sup> Court.

EDW: RAWSON, Secrety.

11 May, 1665.

To the honor<sup>ble</sup> Colonell Richard Nicolls & y<sup>e</sup> rest of his majestjes co<sup>m</sup>missioners.

Courts ans<sup>r</sup> to 12 instruction. Our constitution cont. in y<sup>e</sup> patent, &c. Gou<sup>r</sup>n<sup>r</sup>, Dep<sup>t</sup> Go<sup>v</sup>., Asistants, & gen. officers annually chosen by y<sup>e</sup> freemen, &c. ; all orders agreed by y<sup>e</sup> Gou<sup>r</sup>n<sup>r</sup>, Asistants, & Deputjes.

To the 12 instruction.

Gentlemen : —

The frame of our constitution is contejned in our patents, wherevnto wee haue endeavored to conforme ourselues, consisting of Gouverno<sup>r</sup>, Dep<sup>t</sup> Gou<sup>r</sup>n<sup>r</sup>, Assistants, & freemen, by whom all our civil policy is admi<sup>n</sup>istered, the freemen, vpon the day of election appointed by patents, constantly choosing the Gouverno<sup>r</sup>, Dep<sup>t</sup> Gouverno<sup>r</sup>, Asistants, & generall officers, & by their deputjes (themselves being too numerous) agreeing to all orders & constitutions for the well ordering of our affaires heere, as may appeare by our printed orders. For the carrying on of the sajd gouernment & other accidentall charges,

together w<sup>th</sup> the maintenance of a garrison in the Castle, & an annuity of one hundred pounds p annū to the præident of the colledge, some charge for the encouragement of military excercises & the destruction of woolues, there is levied by way of tax vpon the inhabitants, & by other impositions, vjjs et modis, about twelve hundred pounds p annū.

1665.

May session.  
Charge ab<sup>t</sup>  
1200<sup>u</sup> pounds.

For our ecclesiasticall constitutions, wee haue not imposed by ciuill authority but attendanc vpon publick worship vpon the Lords day or dajes occasionally appointed. The people here, from whom the maintenance of the minister & the charge of erecting the places of publick worship must & doeth arise, haue libertje of calling & chusing their oune ministers, whose adminis- traçōns are publickly knoune, & wee hope generally consonant to the word of God & primitiue practise, and if any deviate from the same, wee acknowledg, and haue made vse of, the help of a synod & y<sup>e</sup> ciuill authority to regulate in such cases.

Ecclesiasticall constitutions, none imposed, &c.  
Maintenance of ministers at y<sup>e</sup> peoples charge, who haue liberty to choose y<sup>m</sup>, &c.  
In case of male administraçon, synod & ciuill authority interposeth & regulats.

Our militia is ordered into three regiments of foote, besides some supernumary companjes, vnder three mayo<sup>rs</sup> & one mayo<sup>r</sup> generall, together with our troopes, consisting of about fower thousand ffoote & fflower hundred horse, though possibly more may be in the lists, our orders requiring all men to be armed & listed; yet allowance must be made for aged & infirme persons. Wee haue vpon the channell entring the harbo<sup>r</sup> at Boston a fort, or keepe, w<sup>th</sup> a battery of fwe or six gunns, & in the sajd harbo<sup>r</sup> two batterjes at Boston for the defence of the harbo<sup>r</sup>, & one at Charls Toune, comāding the inner part of the road.

Our militia diuided into 3 regim<sup>ts</sup> of ffoote & 4 troopes, &c.  
Vnder 3 mayo<sup>rs</sup> & a m<sup>r</sup> ge., &c.  
One fort & three batterjes comāds y<sup>e</sup> harbo<sup>r</sup>, &c.

The number of our shippes & vessells, according to our best information, may be about eighty from twenty tunnes to forty, & from forty tunnes to one hundred about forty saje, & of ships aboue one hundred tunnes about a duzen.

Number of our ships, &c.

By the Court.

EDWARD RAWSON, Secrety.

Boston, 16<sup>th</sup> of May, 1665.

To the hono<sup>r</sup>ble Colonell Richard Nicolls & the rest of his majestjes comission<sup>rs</sup>s.

[No pages \*506 and \*507.]

\*The 18<sup>th</sup> of May, his majestjes comissioners sent their reply to the Court in these words, namely: —

[\*508.]

Reply comis-  
sioners to the  
Courts ans<sup>r</sup> to  
N<sup>o</sup>. 7, 8.

Gentlemen: —

In reply to your answer to his majestjes instruction, N<sup>o</sup> 7, 8, wee are heartily sorry to finde, that, by some euill perswasions, yow haue put a greater

1665.

May session.

Declaring that  
y<sup>r</sup> comission  
is to sit as a  
Court of Ap-  
peales heere,  
&c.

Their question  
w<sup>th</sup>er y<sup>e</sup> Court  
submits to y<sup>e</sup>  
comission.

value vpon your oune conceptions then vpon the wisdome of his majesty & council, which argues either an vnreasonable jealousy & distrust of his majesty so often repeated graces & favours intended towards his subjects heere, or that his maj<sup>ty</sup> is not a competent interpreter of yo<sup>r</sup> charter.

His majesty sent vs w<sup>th</sup> comission to sit as a Court of Appeales in these his majesties dominions ; but wee are told that the inviolable observation of yo<sup>r</sup> charter seemes inconsistent w<sup>th</sup> our hearing & determining complaints & appeales.

Wherevpon wee haue thought it necessary to reduce all the discourse hereof into one question, wherevnto wee expect your possitive answer, which wee shall faithfully report to his majesty : Whither doe yow acknowledge his majesties comission, wherein wee are nominated comissioners, to be of full force to all the intents & purposes therein conteyned ?

RICHARD NICOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAURICKE.

To the Generall Court of his majesties colony of the Massachusetts.

Comissioners  
reply to y<sup>e</sup>  
Courts ans<sup>r</sup>,  
No. 9, wondring  
y<sup>t</sup> y<sup>e</sup> already  
y<sup>e</sup> endeavors  
to sattisfy y<sup>e</sup>  
king.

Notwithstand-  
ing y<sup>e</sup> king  
sajes he is not  
satisfied w<sup>th</sup>  
their applica-  
tions.

Still expects  
sattisfaction  
on conferece  
w<sup>th</sup> his comis-  
sioners, & in  
no more y<sup>e</sup> y<sup>e</sup>  
charter en-  
joynes, (if y<sup>e</sup>  
king may be  
judge,) as they  
say.

Virging y<sup>e</sup> lord  
chancellor &  
Secret. Morris  
this sence of  
Courts applica-  
tion, &c.

Comissioners reply to y<sup>e</sup> Courts ans<sup>r</sup> No. 9.

Gentlemen : —

Wee wonder this Court should alleadge their applications to the king to proove their endeavors to sattisfy his majesties most just expectation, since his majesty, in his letter dated Aprill 23, 1664, speaking of one of your applications in answer to his letter of June 28, 1662, hath these words, of w<sup>ch</sup> we shall only say that the same did not answer our expectations, nor the professions made by your messengers ; but wee make no doubt but that when our comissioners shall conferr at large with yow vpon those particulars, you will give vs satisfaction in all wee looke for at your hands, which is nothing but what yo<sup>r</sup> charter obleigeth yow to, & w<sup>ch</sup> is most necessary for the support of our gouernment there ; & in another of your applications yow were so farr from endeavoring to give his majestje satisfaction in observing those things he enjoyns, & which, by your charter, yow ought to obserue, (if yow will allow him to be judge,) that yow complaine of his majestje for enjoying them ; and for the comission by which he hath sent vs to you, as appeares by M<sup>r</sup> Secretary Morris his letter dated February 25<sup>th</sup>, 1664, & by a letter from my lord chancello<sup>r</sup>, dated March the 15<sup>th</sup>, 1664, which says thus : I finde, by an addresse

wee haue lately receaved from Boston, that the Gouverno<sup>r</sup> & council there are not at all pleased with your comission, & that they will needs beleive all there priviledges are to be destroyed ; but I suppose they are better jnformed since, & that the answer they haue receaved from the king to their addresse will dispose them to better temper. Yow professe you highly prise the kings favo<sup>r</sup>, & the offending him shall neuer be imputed to you ; & yet, in the same paper, yow refuse to doe what the king requires should be donne. That all that come into this colony to dwell should take the oath of allegiance here, yo<sup>r</sup> charter comānds it ; yet you make provisoes not there exprest, and, in short, would curtajle the oath as you doe allegeance, refusing to obey the king. It is your duty to administer justice in the kings name ; & the king acknowledgeth, in his letter of Aprill 23<sup>d</sup>, that it is his duty to see justice be administered by yow to his subjects there ; & yet you will not give him leaue to examine it by vs.

\*The end of the first planters coming hither was, (as was expressed in yo<sup>r</sup> address, 1660,) the enjoyment of the libertje of yo<sup>r</sup> consciences, which the king is so farr from *from* taking away from yow, that, by euery occasion, he hath promised & assured the full enjoyment of it to yow. Wee therefore admire y<sup>t</sup> yow should deny the liberty of conscience to any, especially where the king requires it, & that, vpon a vaine conceite of yo<sup>r</sup> oune, that it will disturbe yo<sup>r</sup> enioyments, w<sup>ch</sup> the king hath often sajd it shall not.

Yow haue so tentered the kings quallifications as in making him only who pajeth ten shillings to a single rate to be of competent estate, that when the king shall be enformd, as the trueth is, that not one church member in an hundred payes so much, & y<sup>t</sup> in a toune of an hundred inhabitants, scarce three such men are to be found, wee feare the king will rather finde himself deluded then satisfied by your late act. Though you comēd to the ministry & people the word of the Lord for their rule, yet yow did it with a provisoe that they haue the approbation of the Court, as appeares in the same page ; and wee haue great reason both to thinke & say that thē king & his council, & the church of England, vnderstands & followes the rules in Gods word as much as their corporation.

These answers are so farre from being probable to sattisfy the kings expectation, that wee feare they will highly offend him. Abuse not the kings clemency too much. Remember that when the king had well weighed all the expressions in yo<sup>r</sup> last petition, & the temp<sup>r</sup> & spirit of those that framed it, though he would not impute it to the colony, yet he was not pleased w<sup>th</sup> it. It will be well worth your pajnes to prevent the king from judging these

1665.

May session.

Instead of  
prizing y<sup>e</sup>  
kings favor, re  
fuse to doe w<sup>t</sup> y<sup>e</sup>  
king requires.

Curtayling the  
oath of alle-  
giance, &c.

Its yo<sup>r</sup> duty to  
administer jus-  
tice in his  
name, &c.

& yet will not  
giue him leaue  
by vs to exam-  
ine yo<sup>r</sup> justice  
to his subjects,  
&c.

[\*509.]

Liberty of con-  
science y<sup>e</sup>  
planters end,  
&c., w<sup>ch</sup> y<sup>e</sup> king  
hath often as-  
sured to be en-  
joyd, &c.

W<sup>ch</sup> causeth  
wonder y<sup>t</sup> it  
should be de-  
njd when y<sup>e</sup>  
king requires  
it, &c, on con-  
ceite it will dis-  
turbe y<sup>e</sup>irs.

Wee feare the  
king will find  
himselfe delud-  
ed rath<sup>r</sup> y<sup>n</sup>  
satisfied w<sup>th</sup>  
yo<sup>r</sup> act as to  
freedome.

To y<sup>e</sup> ecclesias-  
ticks, &c, wee  
judge y<sup>e</sup> king,  
councill, &  
church of Eng-  
land vnder-  
stands, &c, y<sup>e</sup>  
word of God as  
well as yow, &c.

Theire advice  
to y<sup>e</sup> Courts,  
&c.

1665. answers to be made by the contrivers of that which will best be donne by an ingenuous & free consenting to what the king desires.

May session.

RICHARD NICOLLS,  
ROBERT CARR,  
GEORG CARTWRIGHT,  
SAMUEL MAUERICKE.

May 18, 1665.

To the Generall Court of his majestjes colony of the Massachusetts.

Courts ans<sup>r</sup> to Gentlemen : —

y<sup>e</sup> co<sup>m</sup>ission's  
reply to No. 7,  
8, 9, as y<sup>e</sup> y<sup>e</sup>y  
see not the  
grounds of  
such y<sup>e</sup>r ques-  
tion, hauing  
only pleaded y<sup>r</sup>  
charter & good  
grounds to  
hope y<sup>t</sup> it will  
be acceptable  
to his maj<sup>ty</sup>,  
who hath given  
speciall charg  
y<sup>t</sup> wee be not  
disturbed  
therein, &c.

Y<sup>e</sup> Court again  
tending an act  
of any of y<sup>e</sup>r  
proceedings, if  
instant in.

Y<sup>t</sup> so y<sup>r</sup> p<sup>er</sup>sons  
& ac<sup>t</sup>ions might  
be rightly ren-  
dred to his  
maj<sup>ty</sup>.

Their resolu-  
tion not to  
shorten y<sup>e</sup> oath,  
allegiance, &c.,  
& ordering that  
it be tooke as  
y<sup>e</sup> charter  
co<sup>m</sup>ands.

Wee haue p<sup>er</sup>vsed your reply to our answer of yo<sup>rs</sup> No. 7, 8; and why yow should put vs on y<sup>e</sup> resolute of such a question wee see not the grounds thereof. Wee haue only pleaded his majestjes royall charter granted to vs, which wee haue reason to hope will be acceptable to his majesty, it being his speciall charge to yourselves not to disturbe vs therein. Your proposall to that instruction for us to answer to complaints, whereof yow say yow haue had many, ag<sup>t</sup> vs, was the occasion of our reply to yourselues, signifying that wee apprehended our charter to be infringed by your proceedings; but wee againe doe tender you that, if yow see meete to informe vs of any particullar one, or more, that yow are vnsatisfied in, wee are ready to give yow an account of our proceedings therein, whereby you maybe enabled truly to represent both our persons & actions to his majesty.

And to make it appeare that wee doe not only professe, but are ready to make good our profession by practise, not shortning that allegiance wee owe vnto his majesty, for the deciding of which controuersy wee shall forthwith order the taking of the oath of allegiance, according as the charter co<sup>m</sup>ands.

By the Court.

EDW: RAWSON, Secre<sup>ty</sup>.

Boston, 19<sup>th</sup> May, 1665.

To the hon<sup>ble</sup> Colonel Richard Nicolls & the rest of his majestys co<sup>m</sup>missions<sup>r</sup>.

To the above written the co<sup>m</sup>ission's againe replied : —

Co<sup>m</sup>ission's Gentlemen : —  
reply.

His maj<sup>ty</sup>s most gracious letters, especially the last, by M<sup>r</sup> Secretary Morrice, haue so abundantly answered all that yow haue pleaded or cann plead for y<sup>e</sup> charter, or ag<sup>t</sup> our co<sup>m</sup>ission, that wee haue most *most* \*just grounds to insist vpon the former quæstion, and therefore wee are necessitated to declare once

[\*510.]

more to you, that your positue answer thereto ought to be had before wee proceed to act according to the virtue of his majestjes comission. 1665.

RICHARD NICOLLS,  
ROBERT CARR,  
GEORG CARTWRIGHT,  
SAMUEL MAUERICKE.

May 20<sup>th</sup>, 1665.

To the Generall Court of his maj<sup>ty</sup> colony of the Massachusetts.

Wherevnto the Court returned an answer as followeth : —

Gentlemen : —

Touching the letter received from the hono<sup>r</sup>ble secretary, S<sup>r</sup> W<sup>m</sup> Morrice, this Court haue considered it, & doe intend to returne an answer therevnto. Wee humbly conceive it is beyond our l<sup>i</sup>ne to declare our sence of the power, intent, or purpose of yo<sup>r</sup> comission. It is enough for us to acquaint you w<sup>t</sup> wee conceive is granted to vs by his majestjes royall charter. If yow rest not sattisfied w<sup>th</sup> our former answer, it is our trouble, but wee hope it is not our fault. It is knoune to Him that knows all things, that it is our desire, & hath been our endeavo<sup>r</sup>, according to our best vnderstanding, to give his maj<sup>ty</sup> & yourselues all due sattisfaction, sauing only our duty to God, & the priuiledges of our charter, so dearely purchased, so long enjoyed, & so graciously confirmed by his majestje.

By the Court.

EDW: RAWSON, Secre<sup>t</sup>.

May 22<sup>th</sup>, 1665.

To the hono<sup>r</sup>ble Colonel Richard Nicolls & the rest of his majestjes comissioners.

Wherevnto the comissioners againe made their reply as followeth : —

In answer to yours of the 22<sup>th</sup> of May, 1665.

Gentlemen : —

1. Wee hold ourselues obliged, in duty to his maj<sup>ty</sup>, & out of a singular good affection to the welfare of this his majestjes colony, to declare to this Court, that his majestje will haue just cause to manifest his displeasure against the contriuers of such dilatory answers, from whom his majestje doeth expect a more chearefull obedience in dutifull performances. The little successe of your late addresse might discharge you from a second, especially when yow finde his majestje so highly concerned for his prerogative, which he cannot be supposed to haue

May session.  
His ma<sup>ty</sup> &  
Secre<sup>t</sup> Morrice  
letters y<sup>e</sup>  
grounds of  
their insisting  
on y<sup>e</sup> former  
quæst.

Courts reply.  
Intent to re-  
turne ans<sup>r</sup> to  
Secre<sup>t</sup> Morri<sup>c</sup>  
his letter, &  
beyond them  
to declare y<sup>e</sup>  
sen<sup>t</sup> of the  
power, & c., of  
y<sup>e</sup> comission  
rest ng in y<sup>e</sup>  
acquainting  
y<sup>e</sup> w<sup>th</sup> w<sup>t</sup> is  
conceived  
granted by y<sup>e</sup>  
charter, & c.,  
appealing to  
God y<sup>t</sup> y<sup>e</sup>ir de-  
sire & endeavor  
hath been to  
giue his maj<sup>ty</sup>  
& y<sup>e</sup>mselues all  
due sattisfac-  
tion.  
Sauing y<sup>e</sup> duty  
to God & priu-  
iledges of y<sup>e</sup>ir  
charter, & c.

Comissioners  
reply.  
Declaring y<sup>t</sup>  
his maj<sup>ty</sup> will  
haue cause of  
displeasure ag<sup>t</sup>  
such dicatory  
ans<sup>r</sup>, & c.  
His maj<sup>ty</sup> pre-  
rogative not to  
be supposed to  
be p<sup>r</sup>ted withall  
by granting  
any priuiled-  
ges, & c.

1665.

May session.

Insisting on  
y<sup>r</sup> former  
quæstions, &c,  
declaring their  
resolution to  
sitt as a Court  
on y<sup>e</sup> morrow,  
24 instant, to  
hear M<sup>r</sup>  
Deanes case.

& summon the  
Gou<sup>r</sup>no<sup>r</sup> & Com-  
pa., w<sup>th</sup> M<sup>r</sup>  
Scottow, ac-  
cordingly.

Y<sup>t</sup> y<sup>e</sup> Courts  
salvo is a high  
imputation to  
his maj<sup>ty</sup>.

Not to be be-  
lieued by his  
maj<sup>ty</sup>'s good  
subjects.

[\*511.]

parted w<sup>th</sup> all by any priviledges or imunitjes granted in yo<sup>r</sup> charter; neither ought any of his good subjects to misrepresent his majestjes determinations of mainteyn<sup>g</sup> yow in them.

2. Since yow are pleased, after some dajes debate & delay, to returne us a more dubious answer then yo<sup>r</sup> former to the quæstion propounded by vs, whither yow doe acknowledg his majestjes comission, wherein wee are nominated comissioners, to be of full force to all the intents & purposes therein conteyned, that wee may discharge our dutjes to his maj<sup>ty</sup>, & the trust reposed in vs, w<sup>th</sup> faithfullnes & integrity, wee shall tomorrow, at nine of the clock in the morning, at the house of Cap<sup>t</sup> Thomas Breaden, sit as his majestjes comissioners to heare & determine the cause of M<sup>r</sup> Thomas Deane & others, plaintiffs, against the Gouverno<sup>r</sup> & Company & Joshua Scottow, merchant, defendants, for injustice donne M<sup>r</sup> Deane & others when the Charles of Ouerroone came into this port, whereof wee thought fit to give you this notice that the Gouverno<sup>r</sup> & Company is complained of, & that wee doe expect yow will, by your attorney, answer to the complaint.

3. Lastly, in your oune words, it is knoune to Him that knowes all things, that it is our desire, & hath beene our endeavo<sup>r</sup>, according to our best vnderstanding, & w<sup>th</sup> all openess of heart, to give yo<sup>r</sup>selues all due sattisfaction; & therefore yow might well haue spared that salvo of yo<sup>r</sup> duty to God, & the priuiledges of your charter, whereby yow would misteriously jnsjuate that all yo<sup>r</sup> libertjes, civill & ecclesiasticall, were intended to be violated, which is so high an imputation to his maj<sup>ty</sup> (who hath so fully declared the contrary) that it ought not to be beleived \*nor imagined by his good subjects.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAUERICK.

May 23<sup>d</sup>, 1665.

To the Ge<sup>n</sup>ll Court of his maj<sup>ty</sup>'s colony of the Massachusets.

They also granted a warrant against M<sup>r</sup> Joshua Scottow, a copie whereof here followes: —

Copie of comis-  
sion's warrant  
to Joshua Scot-  
tow.

These are in his majestjes name, & by virtue of his comission vnder his great seale of England, to require yow, Joshua Scottow, merchant, to be at Cap<sup>t</sup> Bredens house, in Boston, by nine of the clocke in the morning to morrow, being Wendsday, May 24<sup>th</sup>, to answer, before vs his majestjes comis-

sioners, to such charge as is lajd against yow by Mr Thomas Deane & others.  
Given vnder our hands at Boston, in New England, May 23, 1665.

1665.

May session.

RICHARD NICOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAM: MAUERICK.

To Joshua Scottow, merchant.

Wherevpon the Court drew vp this following declaration, & before the publishing thereof, sent a copie of it to the comissioners, who not receding from their purposes, & the time being come that they appointed for their Court to assemble, the Generall Court caused the sajd declaration to be openly published in Boston. The words are as followeth:—

Whereas in the debate & conference had betweene this Court & Collonell Richard Niccolls, S<sup>r</sup> Robert Carr, Kn<sup>t</sup>, George Cartwright, & Samuell Mauerrick, Esq<sup>s</sup>, his majesties hono<sup>ble</sup> comissioners, wee haue pleaded only the majntenance of his majesties authority in the gouernment of the people of this colony, according to the rules & prescriptions of his charter, vnder the great seale of England, the full & peaceable enjoym<sup>t</sup> whereof his maj<sup>ty</sup> hath given good assurance to all his loyall subjects of this place, giving especial charge to the aboue named gentlemen not to disturbe vs therein, yet accounting it our duty to God & his majesty, by all lawfull wayes & meanes, to give ffull satisfaction vnto his majesty touching all such cases & complaints against vs as in his wisdome & prudence he shall see reason to take cognizance of, wee haue sundry times in our conferences, both by word & writing, tendered vnto y<sup>e</sup> aboue sajd gentlemen our readines to present vnto them a full & cleare account of y<sup>e</sup> grounds of our proceedings in any case, matter, or complaint that themselues shall see meet to enquire into, whereby they may be enabled to represent the matter truely to his majesty.

His majesties letters to this colony, of Aprill 23<sup>d</sup>, 1664, & by his hono<sup>ble</sup> secretary, S<sup>r</sup> W<sup>m</sup> Morrice, February 25, 1664, expresly declaring this to be his principall end of his sending hither the aboue sajd gentlemen in such a capacitje, & that for such pious & good intentions as therein is more particularly declared, & not in y<sup>e</sup> least to infring<sup>g</sup> our charter, or any the priuiledges thereof.

All this, notw<sup>th</sup>standing the abouesajd gent<sup>n</sup> not resting satisfied w<sup>th</sup> these our tenders & proposalls made vnto them, (wherein wee haue endeavored to answer his majesties just expectation,) contrary vnto the expresse charge of his maj<sup>ty</sup> vnto them, they haue, by warrant vnder three of their hands, given

In ans<sup>r</sup> to w<sup>ch</sup>  
y<sup>e</sup> Court drew  
vp y<sup>e</sup> following  
declaration,  
sent it to y<sup>e</sup>m,  
& publisht it.

In w<sup>ch</sup> the  
Court declares  
y<sup>e</sup>y haue only  
pleaded y<sup>e</sup> rules  
of y<sup>e</sup> charter.  
W<sup>ch</sup> his maj<sup>ty</sup>  
again<sup>e</sup> &  
again<sup>e</sup> hath  
assured shall  
be enjoyed, &  
given his  
comissioners  
in com<sup>and</sup> not  
in y<sup>e</sup> least to  
disturb.

Courts fre-  
quent tender  
to give an ac-  
count of y<sup>e</sup>r  
proceedings in  
any case y<sup>t</sup> his  
maj<sup>ty</sup> in his  
prudenc or his  
comissioners  
shall see cause  
to inquire into,  
&c.

23 Apr<sup>i</sup>, 1664.  
His maj<sup>ty</sup> ends  
in his letters,  
& Sec<sup>r</sup> Mori<sup>c</sup>  
often declar<sup>d</sup>,  
not in y<sup>e</sup> least  
to infringe y<sup>e</sup>  
charter.

Comissioners,  
notw<sup>th</sup>standing  
y<sup>e</sup> Courts en-  
deavors & his  
maj<sup>ty</sup>s charg,  
&c.

1665.

May session.  
Grant protec-  
tion to Jn<sup>o</sup>  
Porter, Jun., a  
notorious of-  
fender ag<sup>t</sup> God,  
y<sup>e</sup> kings au-  
thority, &c, not  
giving any no-  
tice to author-  
ity of such  
compt<sup>s</sup>, requir-  
ing all military  
& ciuill officers

[\*512.]

to observe  
their comānds  
therein.

& thō ye Court  
declard it to be  
an infrimg<sup>t</sup> of  
their priuiledg  
granted by  
charter, yet  
haue not w<sup>th</sup>-  
draune y<sup>r</sup> pro-  
tection.

But proceed to  
summon Gou.  
& Company &  
others before  
y<sup>e</sup>m to ans<sup>r</sup> Mr  
Deans compt<sup>s</sup>,  
y<sup>e</sup> submission  
whereto con-  
ceiued incon-  
sistent w<sup>th</sup> the  
maintenan<sup>t</sup> of  
y<sup>e</sup> lawes & au-  
thority heere  
so long enjoyd.

Vpholding  
whereof neces-  
sary; & there-  
fore the Court  
declares y<sup>t</sup>, out  
of duty to God,  
the king, & y<sup>e</sup>  
people here,  
they cannot  
consent to or  
allow of their  
proceedings,  
w<sup>ch</sup> in so high  
a manner is  
crosse to his  
maj<sup>ties</sup> direct  
charge.

Comissioners  
reply to y<sup>e</sup>  
declar. y<sup>t</sup> y<sup>e</sup>

protection to John Porter, Juñ, an high offender against God, his maj<sup>ties</sup> au-  
thority, lawes, & the peace of his good subjects heere, (who, breaking prison,  
made his escape out of the hands of justice here,) & y<sup>t</sup> before any significa-  
tion vnto y<sup>e</sup> goũment of this place of any complaint made against them, their  
sentence or proceedings against the sajd Porter, & requiring all officers, as  
well military as civil, to be obseruient to them herein; & although this Court  
hath expressed their sence of this act, in conjunction w<sup>th</sup> some other of their  
proposalls, to be an infrīgment of our priuiledges granted vs by his majesties  
royall charter, yet they haue not w<sup>th</sup>draune their protection of the sajd Porter,  
but haue proceeded to suñon as well the Gouverno<sup>r</sup> & Company of this his  
majesties colony, as also particcular persons, to appeare before them, \*to an-  
swer the complaint of M<sup>r</sup> Thomas Deane & others, for injustice donne vnto  
them, the submission vnto which proceedings of theirs being (as wee a<sup>p</sup>hend)  
inconsistent w<sup>th</sup> the majntenance of the lawes & authority here so long enjoyed  
& orderly established, vnder the warrant of his majesties royall charter, the  
vpholding whereof being absolutely necessary for the peace & well being of  
his majesties good subjects here.

This Court doeth therefore, in his majesties name, & by the authority to  
vs comitted by his royall charter, declare to all the people of this colony, that  
in observatance of their duty to God & to his majesty, & to the trust comitted  
vnto vs by his majesties good subjects in this colony, wee cannot consent vnto  
or give our approbation of the proceedings of the aboue sajd gentlemen,  
neither cann it consist with our allegiance that wee owe to his majesty to  
countenance any shall in so high a manner goe crosse vnto his majesties direct  
charge, or shallbe their abettors or consenters therevnto.

God save the king.

By the Court.

EDW: RAWSON, Secre<sup>t</sup>.

After the publishing of this declaration, the comissioners sent vnto the  
Court two writings, in these words following: —

Gentlemen: —

Wee thought, when we received our comission & instructions, that the  
king & his counsell knew what was granted to you in yo<sup>r</sup> charter, & w<sup>t</sup> right  
his maj<sup>ty</sup> had to give vs such comission & comānds, & wee thought the king,  
his chancellor, & his secretaries, had sufficiently convinced yow that this  
comission did not infringe your charter; but since you will needs misconstrue  
all these letters & endeavors, & that yow will make vse of that authority w<sup>ch</sup>  
he hath given yow to oppose that soueraignty which he hath ouer you, wee

shall not loose more of our labours vpon you, but referr it to his maj<sup>ty</sup>s wisdom, who is of power enough to make himself to be obeyed in all his dominions, & doe assure you that wee shall not represent yo<sup>r</sup> denying of his co<sup>m</sup>mission in any other words then yourselues haue expressed it in your severall papers vnder your secretarjes hand: but for the better manifestation of the transactions betweene vs, & for the satisfaction of all concerned in these parts, wee desire that yow will cause his majestjes co<sup>m</sup>mission to vs, his majestjes letters of June the 28<sup>th</sup>, 1662, of Aprill 23<sup>th</sup>, 1664, of February 25<sup>th</sup>, 1664, by Mr Secretary Morrice, & all those papers wee haue given into the Court, & yours also, may be printed & published.

RICHARD NICOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAURICKE.

May 24<sup>th</sup>, 1665.

To the Generall Court of his majestjes colony of the Massachusetts.

Vpon pervsall of the booke entituled the Booke of the Generall Lawes & Libertjes concerning the Inhabitants of the Massachusetts, wee finde just reason to propose, in his majestjes name, that these ensuing alterations & necessary additions be made:—

First. That his maj<sup>ty</sup> be declared (in the title of the booke) to be y<sup>e</sup> fountaine whence his colony of the Massachusetts derive their lawes & libertjes, by a charter bearing date, &c.

2. That a lawe be made that all writts, arrests, acts, or formes of justice whatsoever, be issued out & performd in his majestjes names.

3. That his majestjes armes be set vp in euery Court of justice w<sup>thin</sup> this colony, & that all the masters of vessells & captaines of foote companjes doe carry the true colours of England, by which they may be knowne to be his majestjes legitimate subjects.

\*4. That, in the 12<sup>th</sup> capitall lawe, ‘if any conspire,’ &c, ‘against our co<sup>m</sup>monwealth,’ ‘co<sup>m</sup>monwealth’ may be expunged, & ‘against the peace of this his maj<sup>ty</sup>s colony’ be incerted instead of y<sup>e</sup> other.

5. That, in page 21, title Courts, it maybe expressed that the Generall Court, &c, is y<sup>e</sup> cheife ciuill power of this colony (not co<sup>m</sup>monwealth) vnder his majesty.

6. That, in page 22, the 2<sup>d</sup> part of sect 4, about any publick messuage

1665.

May session.  
king & his  
council knew  
w<sup>t</sup> was granted  
by y<sup>e</sup> charter &  
his co<sup>m</sup>mission,  
& y<sup>t</sup> y<sup>e</sup> charter  
was not in-  
fringed there-  
by, misconstru-  
ing all y<sup>e</sup> letters  
& making vse  
of his maj<sup>ty</sup> au-  
thority to op-  
pose his souer-  
aignty, &c, not  
to loose more  
labor, shall re-  
ferr it to his  
majestjes wis-  
dome, &c.

Mo<sup>tion</sup> to print  
all transac-  
tions, &c.

Co<sup>m</sup>missioners  
proposall for  
alterations &  
necessary addi-  
tions be made  
of & to our law  
booke.

Y<sup>e</sup> king y<sup>e</sup>  
fountaine of al  
authority here  
&c.

All writts, &c,  
to be in his  
maj<sup>ty</sup>s name

His maj<sup>ty</sup>  
armes in all  
courts of jus-  
tice. Vide lav  
34.

Y<sup>t</sup> y<sup>e</sup> true  
coulo<sup>r</sup>s of Eng  
land be carrid  
by all m<sup>rs</sup> of  
vessels & cap<sup>t</sup>  
of foot comp<sup>a</sup>.

[\*513.]

Y<sup>t</sup> y<sup>e</sup> words  
‘peace of his  
maj<sup>ty</sup> colony,’  
be incerted in  
room<sup>e</sup> of ‘com-  
monwealth,’ &c.  
Gen. Court,  
under his  
maj<sup>ty</sup>, y<sup>e</sup> cheife  
power of y<sup>e</sup> col-

1665. or negotiation be explained in proper terms, beseeeming one of his majesties colonjes.

May session.

ony, instead of  
comon wealth.

All messuages  
& negotiations  
to be in proper  
termes as to  
one of his  
maj<sup>ties</sup> colonys.  
Extent of y<sup>e</sup>  
proviso in ec-  
clesiasticall  
law, &c.

Y<sup>e</sup> in tit.  
preachers y<sup>e</sup>  
words 'councill  
of state' be al-  
tered, & care y<sup>e</sup>  
ministers of  
church of Eng-  
land be not  
p<sup>r</sup>judict.

None to pay a  
fine for return-  
ing to y<sup>e</sup> church  
of Engl<sup>d</sup>.

A proposall for  
3 annuall day, 2  
thanksgivings,  
5<sup>th</sup> Novemb. for  
y<sup>e</sup> powder plot,  
29 May y<sup>e</sup>  
kings birth,  
&c, & 30 Jan.  
day humillia-  
tion, &c.

Either y<sup>e</sup> pœn-  
alty for absence  
from church  
assembly to be  
left out, or y<sup>e</sup> it  
p<sup>r</sup>judic. not y<sup>e</sup>  
y<sup>e</sup> serue God  
accordi<sup>ng</sup> to  
church of Eng-  
land.

Y<sup>e</sup> it be consid.  
y<sup>e</sup> escheats be-  
long to y<sup>e</sup> king  
only.

Title Fisher-  
men repealed,  
satisfjes, &c.  
Y<sup>e</sup> y<sup>e</sup> rule of  
admission to  
freedo. be ex-  
pland, & ex-  
tend to mem-  
bers of church  
of Engl<sup>d</sup>.

7. That, in page 27, title Ecclesiasticall, the first proviso extend no further then these words: 'valess they shall acquaint the magistrates where they intend to joine;' the rest to be left out, & the 2<sup>d</sup> sect<sup>r</sup> to be wholly left out.

8. That, in the 13<sup>th</sup> sect<sup>r</sup>, title Constant Preachers be w<sup>th</sup>out Offence, the phrase of 'councill of state' may be altered, care taken that the lawe be not a p<sup>r</sup>judice against those that are ministers according to y<sup>e</sup> church of England.

9. That, in page 28, the latter part of sect<sup>r</sup> 14, by 'open renouncing their church estate, &c, or vpon some other such groundlesse conceite,' be left out; for those who returne to the church of England ought not to pay a fine for so doing.

10. That, in the 15 page, there ought to be inserted & ordejned to be kept the 5<sup>th</sup> of Nouember, & the nine & twentjeth of May, as dajes of thanksgiving; the first for the miraculous preservation of our king & country from the gunpowder treason; the second for his majesties birth, miraculous & happy restauration to his crownes vpon the same day; as also the thirtieth of January a day of fasting & praying, that God would please to avert his judgements from our nations for that most barbarous & execrable murder of our late soueraigne, Charles the First.

11. And that the latter part of that sect<sup>r</sup>, 'shall forfeit for his absenc from euery such meeting five shillings,' may be left out, or provided that it be not preudiciall to any person who is a member of the church of England, & duely attends Gods service accordingly.

12. That, page 30, it be eschéats are only due to his maj<sup>ty</sup>, who cann dispose of them to whom he pleaseth.

13. Wee are satisfied w<sup>th</sup> repealing the lawe whose title is Fishermen, the first section.

14. That, page 33, 'none be admitted freemen but such as are members of some of the churches w<sup>th</sup>in the limitts of this jurisdiction,' may be explained, & comprehend such <sup>^</sup> are members of y<sup>e</sup> church of England.

15. That, page the same, the pœnalty for keeping Christmas, being directly against the lawe of England, may be repealed.

16. That, page 34, hæresy & error ought to be declared w<sup>th</sup> more caution & a salvo to the church of England & the members thereof.

17. And that that clause in the sajd lawe, 'their lawfull authority to make warr,' be meant only of the kings; for this colony hath only power, for their speciall defence & safety, to make a defensive warr by their charter.

18. That, page 36, sect<sup>r</sup> 9, the law ag<sup>t</sup> Quakers may be so restrained that

they may quietly passe about their lawfull occasions, though in other cases they be punish<sup>t</sup>.

19. That, page 38, title Jesuits, 'the state of England or ourselues' be expunged, & 'in unity w<sup>th</sup> his maj<sup>ty</sup>' inserted.

20. That, page the 40<sup>th</sup>, the lawe for setling the Indians title to land may be explained, for it seemes as if they were dispossessed of their land by Scripture, which is both against the hoñor of God & the justice of the king; yet, in Genē 1<sup>st</sup>, 28, 'subdue the earth' is but æquivalent to 'haue dominion ouer the fish of the sea;' in Genē 9, 1, 'replenish' relates to generation, not husbandry; in Psā 115, 16, 'children of men' comprehends Indians as well as English; & no doubt the country is theirs till they give it or sell it, though it be not im-  
prooued.

\*21. That, page 59, title Co<sup>m</sup>ittee to presse Souldjers, care to be taken that his maj<sup>ty</sup>s authority be not hereby lessened, but y<sup>t</sup> his warrant or co<sup>m</sup>mand may be obeyed heere as in all other his dominions.

22. That, page 61, title Money, the law y<sup>t</sup> a mint house, &c, be repealed; for coynage is a royall prerogative, for the vsurping of which y<sup>e</sup> act of indemnity is only a salvo.

23. That, page 66, in the title to the law Powder, 'the go<sup>f</sup>inm<sup>t</sup> of' may be changed into 'his majesty,' or y<sup>t</sup> preface left out.

24. Wee are satisfied that the 2<sup>d</sup> sect<sup>i</sup>, title Ships, being ag<sup>t</sup> the act of navigation, is repealed.

25. That, page 73, title Strangers to be succored, that the law comp<sup>h</sup>ends not such as flye from his majestjes justice in England.

26. There is no power in the charter to incorporate w<sup>th</sup> other colonjes, nor to exerceise any power by that association: both belongs to the kings prerogative. If there be any other vndecent expressions & repetitions of the word 'co<sup>m</sup>onwealth,' 'state,' & the like, in other pages, wee desire they may be changed.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAURICKE.

May 24, 1665.

To the Generall Court of his majestjes colony of the Massachusets.

The Court also sent vnto the co<sup>m</sup>issioners two writtings, w<sup>th</sup> a map of their bounds. The words of the writings are as followeth:—

1665.

May session.

Y<sup>t</sup> y<sup>e</sup> pœnalty for Christmass be repealed, being ag<sup>t</sup> y<sup>e</sup> law of Engl<sup>d</sup>. Heresy & error to be better cautioned, &c. Y<sup>t</sup> authority to make warr be meanty<sup>e</sup> kings. y<sup>t</sup> y<sup>e</sup> colony by charter can only mak a defencie warr.

[\*514.]

Y<sup>t</sup> Quakers may pass & re pass on y<sup>r</sup> occasions, tho punisht otherwise.

Tit. Jesuits to be amended.

The lawe for setling y<sup>e</sup> title to Indjans land to be expland.

Y<sup>t</sup> care be y<sup>e</sup> his maj<sup>ty</sup> authority be not lessened in pressing souldiers, &c.

Y<sup>t</sup> y<sup>e</sup> law about y<sup>e</sup> mint-house be repealed, &c.

Y<sup>t</sup> y<sup>e</sup> go<sup>f</sup>inm<sup>t</sup> of England be changed into his maj<sup>ty</sup>, &c.

Satisfaction in law of ships repealed.

Such as fly from his maj<sup>ty</sup> justice not to be succored here.

1665. Gentlemen:—

May session.  
The Court  
sends y<sup>e</sup> com-  
missioners y<sup>e</sup> map of  
y<sup>e</sup>ir bounds, de-  
claring y<sup>e</sup>ir  
readines by  
writing or con-  
ferenc<sup>e</sup> to man-  
ifest y<sup>e</sup> reasons  
of their clay<sup>ins</sup>  
gof<sup>mt</sup> there,  
&c.

Wee haue sent heerewith *sent* yow a map of the lands wee conceive to be granted vs by our charter. Our southerly limitts are vncontroverted, (so farr as wee know;) & as yourselues are pleased to expresse some pretences & clajmes wee know are made against our northerly l<sup>ne</sup>, in relation whereto wee shallbe ready when euer yow please, by writting or conference with yourselves & other gent<sup>n</sup> concerned therein, to declare the grounds & reasons of our clajme, & of our excercise of gouernment there for so many yeares past, to the end yow maybe enabled to satisfie his majestje of the true state of the controuersje, if no other expedient be found, to mutuall satisfaction.

By the Court.

EDW: RAWSON, Secre<sup>t</sup>.Boston, May 24<sup>th</sup>, 1665.

To the Hono<sup>r</sup>ble Co<sup>t</sup> Richard Nicolls & y<sup>e</sup> rest of his majestjes com<sup>is</sup>sioners.

Courts other  
writing in rela-  
tion to M<sup>r</sup> Tho.  
Deans com-  
plaint, &c.

Whereas his majestjes hono<sup>ble</sup> com<sup>is</sup>missioners haue enformed this Court that M<sup>r</sup> Thomas Deane hath exhibbited a complaint to his majestje of some injustice donne to him & other his majestjes subjects who joyned w<sup>th</sup> him in endeavoring to procure the execution of that act of Parl<sup>iam</sup>ent when the Charles of Ouerrone came into this port of Boston about the yeare 1661, and that in the carriage thereof they did not receive that countenance of some who were then in authority as they ought to doe, & were in plaine termes denjed justice, w<sup>th</sup> reproaches, for requiring the same; in refference whereto his majestje hath manifested his will & pleasure that his abouesajd com<sup>is</sup>missioners should examine the whole proceedings in that case, & that vpon full delibera-  
tion & examination thereof they cause justice to be donne, & such reparation to be given to the sajd M<sup>r</sup> Thomas Deane & the rest that joyned w<sup>th</sup> him in the prosecution of that busines, as vpon the merri<sup>t</sup>s of the cause & by virtue of the sajd act of Parl<sup>iam</sup>ent they ought to receive.

Courts order to  
sumon M<sup>r</sup>  
Deane & others  
to appeare be-  
fore y<sup>e</sup> Court  
27 instant, to  
make out the  
grounds of his  
compl<sup>t</sup>, &c.

This Court doe therefore order, that warrant be issued forth by the secretary to sumon in the abouesajd M<sup>r</sup> Thomas Deane to appeare before the Court now sitting, at nine of the clocke on the morrow morning, to make out the trueth of his complaint & the grounds thereof; & that his majestjes hono<sup>ble</sup> com<sup>is</sup>missioners haue notice given them by the secretary, that so according to his majestjes com<sup>mand</sup> to them they may vnderstand the grounds of the sajd complaint, & justice shall be donne accordingly.

By the Court.

EDW: RAWSON, Secre<sup>t</sup>.Boston, 26<sup>th</sup> May, 1665.

\*A true copie of this act was signed & deliuered to the Hoñble Colonell Richard Niccolls & the rest of his majestjes cōmissioners the same day, & y<sup>e</sup> same day warrant also issued out accordingly, a copy whereof ffolloweth: —

1665.

May session.  
[\*515.]

To Thomas Deane, merchant, of Boston, & also to Thomas Kellond, of said Boston, merchant, & such others as are concerned w<sup>th</sup> them: —

Notice giuen  
to the cōmis  
sioners.  
Warrant to Mr  
Deane & Mr  
Kellond.

Yow are hereby required, in his majestjes name, to make your personall appearances before the Generall Court now sitting in Boston, on the 27<sup>th</sup> of this instant May, at nine of the clocke, to prosecute & make out the truth of yo<sup>r</sup> complaint & the grounds thereof in relation to the ship Charles of Querroone, that so justice may be donne yow therein, hereof not to faile.

Dated at Boston, 26 May, 1665.

By the Court.

EDW: RAWSON, Secret.

Wherevnto the cōmissioners repljed in the ffollowing words, viz<sup>t</sup>: —

Gentlemen: —

After your interruption of our intentions to haue proceeded in the case of Mr Thomas Deane, cum socijs, according to his majesties cōmission & particular instructions therein, w<sup>ch</sup> wee must conclude to be a violation of his majestjes authoritje to us cōmitted, wee could not haue imagined that yow would haue assumed to yourselues the hearing of the same case wherein the Gouverno<sup>r</sup> & Company are impleaded, w<sup>ch</sup> is an vnheard of practise, & contrary to all the lawes of Christendome, that the same persons should be judges & partjes.

Cōmissioners  
reply.  
Declaring y<sup>t</sup> y<sup>e</sup>  
Courts inter-  
rting their in-  
tençons to be a  
violation of his  
maj<sup>ty</sup>s authori-  
ty, &c.

Wee hope you will, vpon better considerations, alter your resolutions, especially since his maj<sup>ty</sup> hath so expressly directed to vs to examine the whole proceedings in that cause, to the end that justice may be donne.

Y<sup>t</sup> y<sup>e</sup> could  
not imagined  
y<sup>t</sup> y<sup>e</sup> Court  
would assumed  
to y<sup>e</sup>selues  
y<sup>e</sup> hearing Mr  
Deanes case,  
&c.

Wee doe, therefore, in his majestjes name, declare to the Generall Court, that it is contrary to his majestjes will & pleasure that the cause should be examined by any other Court or persons then ourselues, who are by his majestys cōmission the sole judges thereof, who haue already taken the matter into consideration.

Hope they  
will, on better  
consideration,  
alter y<sup>e</sup> resolu-  
tions, &c.  
Declaring y<sup>e</sup>-  
selues to be  
sole judges  
therein.

RICHARD NICCOLLS,  
ROBERT CARR,  
GEORGE CARTWRIGHT,  
SAMUELL MAUERICK.

May 26<sup>th</sup>, 1665.

To the Generall Court of his majestjes colony of the Massachusetts.

1665.

Boston, the 30<sup>th</sup> of May, 1665.

May session.

Courts narrative of John Porter, Jun., case.

His prodigality, riotuously spending his fathers estate. Rann in debt, was imprisoned, &amp; by his fathers freinds releast.

At his returne home, recd w<sup>th</sup> loue, & necessaries provided for him.

Vilely abusing his father by reprochfull names, threatening to cutt doune his house, kill his catle, setting a pile of wood on fire.

In unheard of reproachfull names abusing his mother.

His reviling maj<sup>r</sup> Hathorne.

He beat his fathers servants.

[\*516.]

He was prooued a lyar, swearer, drunkard, &amp;c.

His father complains of him to authority to y<sup>e</sup> Court at Salem, & byA narrative of the case of John Porter, Jun<sup>r</sup>.

John Porter, Junio<sup>r</sup>, the sonne of John Porter, of Salem, in the county of Essex, in New England, yeoman, being about thirty yeares of age, & of sufficient capacity to vnderstand his duty vnto his superio<sup>r</sup>s, according to the fifth comandment, but he, being instigated by the diuill, & his corrupt heart destitute of the feare of God, did not only prodigally wast & riotuously expend about fower hundred pounds of money & goods comitted to him by his ffather, for his improouement in two voyages to the Berbadoes, & so for England, where by his euill courses he ran himself further into debt, (& was there imprisoned, from whence being relieved by the charritable asistance of some ffreinds of his ffather,) all which debts his father did voluntarily discharge. After this, returning to New England, his parents entertejned him w<sup>th</sup> loue & tendernes as their eldest sonne, & provided for him *was was* expedient & necessary. All these things haue been clearely demonstrated to the Court; but notw<sup>th</sup>standing the sajd John Porter, Jun<sup>r</sup>, did carry himself very perversly, stubbornely, & rebelliously towards his naturall parents, who are persons of good repute for piety, honesty, & estate.

He called his father theife, lyar, & simple ape, shittabed. Frequently he threatned to burne his fathers house, to cutt doune his house & barne, to kill his catle & horses, & did w<sup>th</sup> an axe cutt doune his fence seuerall tjmes, & did set fire of a pyle of wood neere the dwelling house, greatly endangering it, being neere thirty roads.

He called his mother Rambeggur, Ga<sup>m</sup>ar Shithouse, Ga<sup>m</sup>ar Pissehouse, Ga<sup>m</sup>ar Two Shooes, & told hir her tongue went like a peare monger, & sayd she was the rankest sow in the toun; & these abusive names he vsed frequently.

He revjled M<sup>r</sup> Hawthorne, one of the magistrates, calling him base, corrupt fellow, & sajd he cared not a turd for him.

He reviled, & abused, & beate his fathers servants, to the endangering of the life of one ^ them.

\*He was prooued to be a vile, prophane, & co<sup>m</sup>on swearer & drunkard; he attempted to stab one of his naturall brethren. All which things are prooued by the oathes of sufficient wittnesses vpon record.

In this vile & vnsufferable course he continued seuerall yeares, but more especially the two last yeares, sixty two & sixty three. At length, his father, in the sence of his sonnes wickedness & incorrigiblenes, & the dayly danger of himself, his estate, & family, by his meanes, sought releife from authority,

first more privately, which was ineffectuall, & afterwards more publickly, before the County Court held at Salem, & by that Court was committed to the house of correction at Ipswich, where he was kept some time; & afterward, being set at liberty, did persist in his former wicked course, & being againe complained of by his father to the said Salem Court the fower & twentjeth of the ninth moneth, 1663, where his offences being found to be of a high nature, he was committed to prison at Boston, there to remajne for a triall at the Court of Asistants, where he was called to answer vpon the fowerth of March, 1663.

The complaints against him, the said Porter, were produced, the wittnesses brought face to face, & his charge prooved; also, his oune naturall father openly complained of the stubbornes & rebellion of this his sonne, & craued justice & releife against him, being ouer pressed therevnto by his vnheard of & vnparrelled outrages before named. Vnto w<sup>ch</sup> complaints the said John Porter, Juñ, had liberty to answer for himselfe. He impudently denied some things, others he excused by vaine pretences, & some he ouned, but gaue no signe of true repentance; whervpon the said Court proceeded to give sentence against him, the sume whereof is, to stand vpon the ladder at the gallowes, w<sup>th</sup> a roape about his neck, for one hower, & afterwards to be severely whipt, & so committed to the house of correction, to be kept closely to worke, w<sup>th</sup> the diet of that house, & not thence to be releast w<sup>th</sup>out speciaall order from the Court of Asistants or the Generall Court, & to pay to the country as a fine two hundred pounds.

If the mother of the said Porter had not beene ouermooved by hir tender & motherly affections to forbear, but had joynd w<sup>th</sup> his father in complaining & craving justice, the Court must necessarily haue proceeded w<sup>th</sup> him as a capitall offender, according to our law, being grounded vpon & expressed in the word of God, in Deut 22: 20, 21. See Capital Lawes, p. 9, sect 14.

This notorious offender, John Porter, before his sentence was fully executed, found meanes to make an escape out of the prison in Boston, & presented himself before three of his majestjes honorable comissioners then at Warwicke, w<sup>th</sup> complaints of injustice, vnto whom they granted a warrant, vnder their hands, for a hearing of his case at Boston, before themselues, the eighth of May, sixty five, & in the interim granted him protection against all authority, officers, & people, as by the copie of y<sup>e</sup> said warrant may more fully appeare.

This warrant & protection, so granted, coming to the cognizance of the Generall Court, they comend the consideration thereof to the gentlemen his majestjes comissioners, which were all fower mett together at Boston, the third of May, 65, w<sup>th</sup> the sence of the Generall Court had thereof, viz<sup>t</sup>, that it

1665.

May session. the Court sent to y<sup>e</sup> house of correction, sett at liberty, p<sup>r</sup>sisting in his vile courses, was sent to prison at Boston in order to his triall at Court of Asistants.

The compl<sup>ts</sup> ag<sup>t</sup> him made good to his face, notw<sup>th</sup> standing his impudent denial of some, &c.

Courts sentence y<sup>t</sup> he stand on y<sup>e</sup> ladder 1 hower at y<sup>e</sup> gallowes, be seuerely whipt, committed to y<sup>e</sup> house of correction, & fined 200<sup>li</sup>.

Had y<sup>e</sup> mother joynd w<sup>th</sup> his father, he had binn tried capitally.

He escapes out of prison.

Petiçons his maj<sup>ty</sup> comissioners, complained of injustice donne him, &c.

They granted him a hearing of his case & a protection, &c.

& did not w<sup>th</sup> draw it, the desires of the Court notw<sup>th</sup> stand<sup>ng</sup>.

1665.

May session.  
W<sup>ch</sup> tended  
much to the  
weakening y<sup>e</sup>  
hands of au-  
thority & en-  
courag<sup>g</sup> such  
notorious mal-  
efactors.

was an act greatly infringing the priuiledges of our charter, & derogatory to his majestjes authority here established, which thing was seuerall times mooued by writing & conference vnto the sajd gentlemen his majestjes hono<sup>r</sup>ble comissioners; but they were not pleased to w<sup>th</sup>drawe their warrant & protection, which tendeth much to the emboldn<sup>g</sup> & encouraging such notorious malefactor<sup>s</sup>, & weakening the hands of lawfull authoritje in the preservation of the peace of his majestjes good subjects heere, & discharge of their dutys in suppressing of such horrid evils amongst vs.

By the Court.

EDW: RAWSON, Secre<sup>t</sup>.

[\*517.]

Courts declara-  
tion in y<sup>e</sup> case  
of M<sup>r</sup> Deane.  
July, 61, ship  
Charles of Oſt-  
roone arrived,  
James Pepin,  
m<sup>ch</sup>, seeking  
for trade, was  
denyd.

\*A narrative of the Generall Court of his maj<sup>ty</sup> colony of the Massachusetts.

As a reply to the complaint exhibited to his maj<sup>ty</sup> in the case respecting M<sup>r</sup> Thomas Deane: In the yeare 1661, about the moneth of July or August, there arrived in the port of Boston Jacques Pepin, merchant, in the ship Charles of Ouerroone, who desired trade, but was denjed it, in compljance w<sup>th</sup> the act of the Parljamēt of England, though at that tyme not in force as to execution. The sajd Pepin therefore departed this harbo<sup>r</sup>, w<sup>th</sup> his ship & goods, out of the aforeſd port, & so out of this jurisdiction. Some certaine weekes after, a smale vessell belonging to Boston, Richard Patteshall, master, his company all Englishmen, arrived in Boston from Monhegin w<sup>th</sup> seuerall sorts of European merchandize, the which vessell was boarded by one Thomas Kirke, mariner, & other seamen, by meanes whereof there was like to haue been a disturbance of the peace, the sajd Kirke hauing no comission or warrant for the same, nor had he or any desired a warrant of the Gouverno<sup>r</sup>, nor any other authority here; but afterwards some of them repaired to the Gouverno<sup>r</sup>, who, vpon the allegations they made, there being a question made by them concerning the goods, though so brought in & challenged by the wife of Joshua Scottow, who had consigned them to hir.

Dep<sup>ts</sup> y<sup>e</sup> juris-  
diction.

Order was taken for the securing of the goods, in order to the answering their complaints after, vpon the desire of whom the Gouvernor called a speciall Court for the hearing of the case, w<sup>ch</sup> Court being mett for that end, the par-<sup>t</sup>jes complajn<sup>g</sup> excepted against a trjall by jury, being an admiralty case, though they had desired a speciall Court for responding the goods, as by their letter of 17<sup>th</sup> September appeares: therevpon security was taken to double the value: the triall of the case was referred to the Generall Court, at which Court M<sup>r</sup> Kirke & M<sup>r</sup> Deane appeared, & by petition desired, that by reason of some of the complainants, who were concerned in the case, & had the papers, were not present, the case might not come to the trjall at that time,

which was granted them, & the case referred to the next Generall Court after, where the defendant did attend; but none of the complaynants appeared to prosecute the case, & so it fell; this Court not hearing any thing of it since vntill the sessions of this present Court, from his maj<sup>ty</sup>s hono<sup>r</sup>ble co<sup>m</sup>missioners, who gaue it in one of their papers, that complaint had been made thereof vnto his majesty, that there was a neglect by the authority here of doing justice in the case, wherevpon the Generall Court then sitting sent for the saj<sup>d</sup> M<sup>r</sup> Thomas Deane, the 27<sup>th</sup> May, 1665, giving him & others an oppertunity to declare the grounds of their complaint to his majesty, tendering him justice wherein any wrong donne vnto them might appeare, hauing before signified to his majestjes hono<sup>r</sup>ble commissioners this Courts desire, that they would be present w<sup>th</sup> them to heare the saj<sup>d</sup> case. Deane & Kellond appearing, the Gouverno<sup>r</sup> in the name of the Court declared, as aboue expressed, the grounds of the Courts sending for them; wherevnto the said Deane replied, i. e.: ‘Wee know not at any time, to any person, that euer we detected any Court of this country, & how his majesty came by any complaint wee know not; I made none; but that complaint was made sixe months before I went hence.’ M<sup>r</sup> Kellond also saj<sup>d</sup> that the complaint was made to his majesty before he came into England. Also the saj<sup>d</sup> Thomas Deane saj<sup>d</sup>, that ‘I am ordered & charged by a great minister of state, that the matter should not be heard but by the kings co<sup>m</sup>missioners,’ and sayd it was the not doing of justice, & not injustice, was the complaint.

By the Court.

EDWARD RAWSON, Secret<sup>r</sup>.

\*The narrative being thus breifly given, it remajnes that wee consider & improove the same, so farr as wee may, for clearing the Massachusetts colony, where they haue not fully concurred with the proposalls & mandates of his majestjes co<sup>m</sup>missioners from these aspersions, of disouning & disobeying his majestjes authority, so often reflected vpon by all his maj<sup>ty</sup>s saj<sup>d</sup> co<sup>m</sup>missioners.

For that end it is necessary to examine, —

1. What are those particulars wherein the co<sup>m</sup>missioners haue declared their dissatisfaction w<sup>th</sup> the returnes made by vs to their proposalls.

2. Whither, in all those particulars, wee are truely chargeable w<sup>th</sup> a non concurrence.

3. Where wee haue not concurred in part or in whole, whither therein wee are deservedly charged by them w<sup>th</sup> disobedience to his majestjes authority.

The particulars wherein they haue expressed their dissattisfaction may be referred vnto two principall heads: —

1665.

May session

[\*518.]

Here follows  
y<sup>e</sup> Courts im-  
prouement of  
their narrative,  
to free y<sup>e</sup>m-  
selves from y<sup>e</sup>  
aspersions of  
disouning &  
disobeying his  
maj<sup>ty</sup>s authori-  
ty.

W<sup>h</sup> y<sup>e</sup> p<sup>r</sup>ticul<sup>r</sup>  
are y<sup>e</sup> co<sup>m</sup>is-  
sio<sup>n</sup>s declare  
dissatisfaction.

W<sup>h</sup>er in y<sup>e</sup>m  
y<sup>e</sup> Court is tru-  
ly charged w<sup>th</sup>  
nonconcurre.

Whither de-  
servedly  
charged w<sup>th</sup>  
disobedienc<sup>e</sup>.

Their dissatis-  
faction ap-  
peares.

1665.

May session.

In our acting referring to his maj<sup>ty</sup> let. Jun. 28, 62, in w<sup>ch</sup> are y<sup>e</sup> oath of allegian<sup>ce</sup>, process in y<sup>e</sup> kings name, use of Co<sup>m</sup>on Prajer, admission to freedome. Courts ans<sup>r</sup> to y<sup>r</sup> requiring submission to y<sup>r</sup> Court of Appeales.

Whither in all y<sup>e</sup> justly chardgd w<sup>th</sup> nonconcurran<sup>ce</sup>.

Courts ans<sup>r</sup> touching y<sup>e</sup> letter of June 28, 62, oath of allegiance, &c, hath been taken heretofore, & now is by y<sup>e</sup> Gou, Dep<sup>t</sup>, Asist., Deputs., &c.

All processe originally was & now is in his maj<sup>ty</sup> name.

Referring to ecclesiasticall concernm<sup>ts</sup>.

Vide Eccles. Law, p. 24, sect. I.

All y<sup>t</sup> are orthodox in judgment, not scandalous in life, may enter into a church estate, &c.

1. Our actings referring to his majestjes letter, dated June 28, 1662 wherein fower particullars are conteyned: —

i. The oath of allegiance.

ii. The putting forth writts in his majestjes name.

iii. That such as desire it may haue liberty to vse the Booke of Co<sup>m</sup>on Prajer.

iiii. That no persons of honest liues be debarred any libertjes, civil or ecclesiasticall.

Our answer to their proposall, on instructions 7, 8, in the result whereof they require our submission to them as to a Court of Appeales; whither, in all these particullars, wee are justly chargeable w<sup>th</sup> not concurring w<sup>th</sup> their proposalls.

To this wee answer, —

1. Touching his majestjes letter of June twenty eight, 1662, concerning the oath of allegiance to his majesty, it was taken by the most of those that came from England when they came thence, & before the late troubles in England was administered here, & is now breifely prefixed before the oathes appointed by the Generall Court for the seuerall officers of the country, as also before the oathes of freemen & fidelity; & the Gouerno<sup>r</sup>, Dep<sup>t</sup> Gouerno<sup>r</sup>, magistrates, & deputjes of the Generall Court, w<sup>th</sup> their secretary, tooke the sajd oath of allegiance to his maj<sup>ty</sup>, May the 26<sup>th</sup>, 1665.

2. All administrations of justice are in his majestjes name. It was so in y<sup>e</sup> first constitution of y<sup>e</sup> gouernment, & is so practised by vs at this day, thereby declaring that wee derive our authority from his majestjes grant in his royall charter.

3. In refferenc to ecclesiasticall concernments, (vnder w<sup>ch</sup> maybe comprised the vse of the Co<sup>m</sup>on Prajer,) the printed lawes of this colony doe declare the great freedome that hath beene given from the begining of this plantation to all persons of what rancke or quality soeuer, and that it maybe the more plainly & fully vnderstood, wee shall express it in the words of the printed lawes of this colony, page 24, sect 1, title Ecclesiasticall, viz.: All the people of God w<sup>th</sup>in this jurisdiction, who are not in a church way, & be orthodox in judgment, & not scandalous in life, shall haue full liberty to gather themselues together in a church estate, provided they doe it in a Christian way, w<sup>th</sup> the observation of the rules of Christ appointed in his holy word. And it being apphended a meete expedient warranted by the word of God for the maintenance of the libertjes of the churches, & of co<sup>m</sup>on peace & loue amongst vs, that all proceedings in this kind be donne \*openly, w<sup>th</sup> the approbation of the civil government, & of neighboring cong<sup>r</sup>egations, the Court di-

[\*519.]

rected to the observation thereof, the which practise hauing beene now attended among vs neere forty yeares, we haue had larg experience of *of* the good effect thereof, greatly encouraging & strengthening the hands of such as haue been willing to attend this service of the Lord, & hath beene farr from impeding any therein. Also the authority here haue not imposed vpon church or people any one particullar forme or order, for the restrejning or lymiting them in the excercise of their deuotions towards God, as may ffully appeare in the aboue recited laues, the words whereof are these, sect 3: —

1. Euery church hath free liberty to excercise all the ordinances of God according to the rules of the Scripture.

2. Sect 6. No injunction shall be putt vpon any church, church officer, or member, in point of doctrine, worship, or discipline, whither for substance or circumstance, besides the institutions of the Lord. Sect 7.

3. Euery church hath freedome to celebrate dajes of fasting & prajer, & of thanksgiving, according to the word of God.

4. In refference to civil priuiledges appertayning to this body politicque, & particularly concerning liberty to elect & be elected to all ciuill offices, these things are propounded to be considered.

Touching these priuiledges that are attended w<sup>th</sup> reall proffit & benefit, as the grant of lands, & diuissions thereof, to tounes or particular persons, liberty of free trade, improuement of any abillitjes whatsoever by sea or land, æquall benefit in the distribution of justice, &c, wee hope there is none that can justly tax the gouernment of this colony w<sup>th</sup> any limitation, restricōn, or imposition vpon or towards one person more then another, or of any respect had to their oppinnions & practises in ecclesiasticall matters.

2. That the lawe that restraines liberty of electing, or to be elected, into the cheife civil offices & places of trust, to members of our churches, is repealed. Touching the lawe directing an orderly proceeding to be observed by such as desire admission to the freedome of this body politick, seeming to be more in fauour of church members in full cōmunion that haue lesser estates then some others w<sup>ch</sup> are not in church cōmunion, wee might say, —

That the quallifications therein propounded as directing the way of those that desire admission are not exclusiue; but more particularly to this wee shall answer, —

1. That wee & ours might enjoy a greater liberty in the worship of God then was at that time allowed to vs, (when wee left our deare native country, voluntarily submitting ourselues & familjes to the providence of God, in so hazardous & awfull an vndertaking,) was the professed & reall end of the first adventurers, as his majesty is pleased graciously to expresse, & subjection to

1665.

May session.  
So it be donne  
openly, w<sup>th</sup> y<sup>e</sup>  
approbation of  
y<sup>e</sup> ciuill goũ-  
ment & neigh-  
boring congre-  
gations; prac-  
tise nigh 40  
yeares & of  
good effect.

No imposiōn  
by authority.

No restriction  
as to excercise  
of y<sup>e</sup> deuotions  
of any to Gods.

Eñ. churches  
liberty.

No injunction  
&c.

Power to cele-  
brate fasts &  
thanksgiving.

Liberty to elect  
& be elected  
touching ciuill  
libertjes con-  
sid.

Such as are ac-  
companied w<sup>th</sup>  
proffit & bene-  
fit, &c, cōmōn  
to all, &c.

& hope none  
tax, &c, to the  
contrary.

Liberty of elec-  
tion as to  
church mem-  
bers repealed.

Quallifications  
as to admission  
not exclusiue.

The hazardous  
vndertaking y<sup>e</sup>  
first adventu-  
rers.

1665.

May session.

ecclesiasticall discipline is necessary for the well being of any Christian society, the Lord accounting it among the choisest of all priuiledges that he bestowes vpon his people, & therefore may not be accounted a burden imposed by man, & is no other then what is required of his majestjes subjects in England; & as for the manner of the excercise of ecclesiasticall discipline, although the godly orthodoxe are variously minded therein, yet this is no barr to any in the enjoyment of any civil priuiledge heere.

Smale retribution to persons in greatest places of trust renders them not objects of envy, &c.

2. Such as are elected to places of greatest trust & office among vs, the burdens that they are constantly labouring vnder in the management thereof, & the smalnes of the retribution to them made, doe beare such a disproportion, & doe fall so farr short of the advantages that others among vs haue, w<sup>ch</sup> are freed from such burdens, that they are not rendered the objects of envy for any personall benefit they haue thereby.

[\*520.]

G<sup>t</sup> estates exhausted by men in cheife places. Peoples conditions so low as not to afford meet recompē.

\*To the trueth of this, wee conceive, the consciences of all that know the constitution of our gouernment, and manner of proceeding among vs, (as well as the greatest estates that haue beene exhausted by such as haue serued his maj<sup>ty</sup> & the people in cheife places, & the low estate & condition w<sup>ch</sup> many of them haue been reduced vnto,) doe & will abundantly testify; neither will the present low estate of the people heere admitt of such a maintenanc to be exacted from them for the hono<sup>r</sup> & support of the go<sup>u</sup>rnment as would be requisite in case they were more able.

W<sup>ch</sup> considered, y<sup>e</sup> Massachusetts semes to be freed from just blame as to non concurrence to y<sup>e</sup> first head, &c.

Now, the premises considered, wee app<sup>h</sup>end it will fully appeare that the Massachusetts colony, in reference to the first head of particulars, are not justly to be charged by his majestjes com<sup>is</sup>sioners w<sup>th</sup> any blameable nonconcurrence with their proposalls, the two first particulars contejned therein having beene observed in our first constitution; & although, during the late troubles that happened in England, the practise thereof was for a time omitted, yet the reassuming of the former practise was readily submitted to, and is now

Y<sup>e</sup> Courts ends in appointing y<sup>e</sup> constitution of ciuill & eccle. order was not to advance any privat interest, but sincerely to advance piety, religion, & honesty, y<sup>e</sup> professed interest & end of y<sup>e</sup> plantation, &c.

againē actually obserued by vs; as also referring to libertjes ciuill & ecclesiasticall, & the æquall distribution thereof to the people here. This being the sum<sup>e</sup> & scope of the two last particulars conteyned vnder this first head, wee app<sup>h</sup>end that, from the premisses, it will appeare plainly that the proceedings & acts of this Court, in appointing the constitution of civil & ecclesiasticall order, haue not beene such as haue tended to the advancement of any private interest, thereby oppressing his majestjes good subjects here, & denying them those priuiledges that doe apperteyne of right vnto them, as they haue been falsly accused to his majesty; but, on the contrary, that they doe sincerely endeavor the promoting of piety, religion, & honesty, the professed true interest & knoune ends of this plantation; and all this donne in such a way as is warranted by his majestjes royall charter.

Wee shall now proceed to the second branch, wherein his majesties comissioners haue declared their dissatisfaction, viz<sup>t</sup>, our answer to their proposall made vpon the 7 & 8 instruction, in the result whereof they doe require this Court & colony to acknowledge their submission to them as to a Court of appeales; & in refference to this comand of such a submission, wee doe freely oune a nonconcurrance on our part in such wise & on the grounds mentioned in the foregoing narrative. That which therefore now remaines, according to the method before propounded, is to collect breifely the reasons of our non concurrance therein, thereby hoping it will appeare that wee are not deservedly chargeable with disobedience to his majesties authority because thereof. For the issue of this controuersy betwene the Gouverno<sup>r</sup> & Company of this his majesties colonje & the aboue named gentlemen, wee know no other or better rule for the decission thereof then his majesties royall charter, first granted to vs by his royall ffather, vnder the greate seale of England, the which charter his majesty hath been pleased, in his letters sent to this colony from time to tyme, graciously to confirme, as may appeare in his letter dated June 28, 1662. The words are these, viz<sup>t</sup>: —

“Wee are therefore willing that all our good subjects of that plantation “doe know that wee doe receive them w<sup>th</sup> our best encouragement, & that wee “will preserve & doe hereby confirme the patent & charter heeretofore granted “vnto them by our royall ffather, of blessed memory, and that they shall “freely enjoy all the priuiledges & libertjes granted vnto in & by the same, & “that wee will be ready to renew the same charter to them vnder our great “seale of England.” And in the letter dated April 23, 1664, there are these expressions: \* “That all our good subjects there may know, as wee haue “formerly assured yow by our gracious letters, how farr wee are from the “least intentions or thoughts of violating or in the least degree infringing the “charter heeretofore granted by our royall ffather, or restreyning the liberty “of conscience thereby allowed, which as wee doe acknowledge to be granted “by our sd royall father, of blessed memory, w<sup>th</sup> great wisdom, & vpon full “deliberation, so wee haue great reason to believe & be assured that the sup- “port & maintenance thereof is at present as necessary as euer, & therefore, “that as wee haue formerly expressed to you, wee are willing to confirme & “renew the said charter, & to enlarge the same w<sup>th</sup> such or further concessions “as vpon the experience yow haue had & the observation you haue made, you “judge necessary or convenient for the good & benefit of that our plantation.” Also, his majesty, in his instructions given to the aboue said gentlemen for directing & limiting them in the execution of their comission in this colony, expressly comandeth them at the same time, when they shew their

1665.

May session.

Our non concurrance in a submission to the comission<sup>rs</sup> as a Court of appeale wee oune.

Yet hope not deservedly charged w<sup>th</sup> disobedien<sup>ce</sup> to his maj<sup>ty</sup> authority, &c.

The best way to decide y<sup>r</sup> controuersy is y<sup>r</sup> charter & his maj<sup>ty</sup> letters confirming the same, &c.

Expressions of his maj<sup>ty</sup> letters of June 28, 1662, April 23, 1664, receiving vs into his favor.

Resolution to confirme the charter.

[\*521.]

& not in y<sup>e</sup> least to infringe the same.

Nor restrejne liberty of conscience.

But renew the same w<sup>th</sup> further concessions as shall be desired, &c.

In his instructions comand- ing his comissioners to declare his princely grace & favor to his people here, &c.

1665.

May session.

& y<sup>e</sup> he hath  
not y<sup>e</sup> least  
thought to  
abridg y<sup>m</sup> of  
any priu-  
ledges, &c.

Y<sup>t</sup> y<sup>e</sup> end of  
their journey is  
to remoov jeal-  
ousjes & beget  
a right vnder-  
standing, &c.

Not to interrupt  
y<sup>e</sup> proceedings  
in justice, &c.

But assure  
them y<sup>t</sup> y<sup>e</sup>ir  
charter in the  
least shall not  
be violated, &c.

This being  
promised by  
y<sup>e</sup>ir mandates,  
impositions, &  
proceedings, it  
may appeare,  
&c,

That they haue  
acted & pro-  
ceeded to excer-  
cise y<sup>e</sup>ir power  
contrary to his  
maj<sup>ty</sup> declara-  
tions & pious  
intentions, &c.

comission to the Gouverno<sup>r</sup> & Company heere, to declare his princely grace  
& speciall favour to his good subjects of this colony, the words whereof are  
these: —

2. “That wee are so farr from any thought of abridging or restreyning  
“them from any priuiledges or libertjes granted by our royall ffather, of  
“blessed memory, to them in his charter, that wee are very ready to enlarge  
“those concessions, or to make any other alterations which, vpon experience  
“of so many yeares of that cljmate & country, they find necessary for the  
“good & prosperity of that colony.

“That the principall end of yo<sup>r</sup> journey is to remooue all jealousies &  
“misvnderstandings which might arise in vs of the loyalty & good affections  
“of our good subjects in those parts towards vs, or in them of our good  
“opinion & confidence in them, & consequently of our protection ouer them,  
“both which are & will be enough endeavo<sup>ed</sup> in both places by insinuations  
“& representations of those whose business it is to foment jealousjes, & to im-  
“prooue misvnderstandings in order to widen those breaches which, by Gods  
“blessing, are well made vp,” &c.

“Nor shall yow interrupt the proceedings in justice, by taking vpon you  
“the hearing & determining any particcular right betwixt party & party, but  
“shall leaue all matters of that nature to the vsuall proceedings in the  
“seuerall iudicatorjes of the country, except those proceedings be expresly  
“contrary to the rules prescribed by the charter, or the matters in difference  
“doe arise from some expression or clause contejned in some grant vnder our  
“great seale of England; in all which yow are to proceed according to  
“justice after a due examination of all matters & circumstances.”

By all which wee haue plentiful assurance given vs from his majesty  
that he will not suffer his royall charter & his authority thereby, comitted to  
the Gouverno<sup>r</sup> & Company of this colony for the gouernment of his subjects  
heere, according to the constitution appointed & directed vnto in the sajd  
charter, to be in the least violated or infringed. This being thus premised, it  
now remaines that wee breifely collect the mandates, impositions, & proceed-  
ings of the abouesajd gentlemen towards the gouernment & people of this  
colony, part whereof is declar'd in the foregoing narrative, as also the conces-  
sions, tenders, & intimations of our Generall Court in reference therevnto, &  
compare both w<sup>th</sup> his majestjes royall charter to his good subjects heere; the  
only rule given by his majesty for both to observe in their last negotiation,  
w<sup>ch</sup> being donne (wee app<sup>h</sup>end) it will plainly appeare that the aboue sajd  
gentlemen haue acted & proceeded to excercise their power contrary to his  
maj<sup>ty</sup> expressed declarations of his royall grace to his good subjects heere, &

his pious intentions in commissionating them to vssit this part of his dominions, & that our denjall of subjection to their mandates hath beene in obedience vnto, & not denjall of, his maj<sup>ty</sup>s authority.

1665.

May session.

But before wee mention these particulars, wherein are contejned the grounds of our non concurrence w<sup>th</sup> their mandates, it willbe necessary that wee breifely recite so much of his majestjes charter to this *\*to this colony* as refers to the matter now in hand, that so as his gracious intention in comissionateing the sajd gentlemen to vssit this colony is manifested in those letters aboue written, so also the rule of their & our proceedings one w<sup>th</sup> another may appeare from his royall charter, the words whereof are as followeth: "Further, our will & pleasure is, and wee doe hereby for vs, our heires & successors, ordejne, declare, & grant to the sajd Gouverno<sup>r</sup> & Company, & their successo<sup>r</sup>s, that all & euery the subjects of us, our heires & successo<sup>r</sup>s, which shall goe to & inhabit w<sup>thin</sup> the sajd land & premisses heereby mentioned to be granted, & euery of their children which shall happen to be borne there, or on the sea in going thither or returning from thence, shall haue & enjoy all liberty & j<sup>m</sup>unity of free & naturall subjects w<sup>thin</sup> any of the dominions of vs, our heires & successors, to all intents, constructions, & purposes whatsoever, as if they, & euery of them, were borne w<sup>thin</sup> the realme of England," &c.

Courts deniall  
to subject to  
such mandates

[\*522.]

was in obedien<sup>c</sup>  
to, & not con-  
trary to, his  
maj<sup>ty</sup>s authori-  
ty.

Seuerall pas-  
sages out of his  
maj<sup>ty</sup>s charter,  
in w<sup>ch</sup> appears  
y<sup>t</sup> all his sub-  
jects going to  
New England,  
children borne  
going or there,  
shall enjoy like  
liberty & im-  
munity of free  
& naturall sub-  
jects, &c.

"And wee doe, of our further grace, certeine knowledge, & neere motion, give & grant to the sajd Gouvernor & Company, & their successors, that it shall & maybe lawfull to & for the Gouverno<sup>r</sup>, or Deputy Go<sup>u</sup>, or such of the Asistants & freemen of the sajd company for the time being, from time to tyme, to make, ordeyne, & establish all manner of wholesome & reasonable orders, lawes, statutes, & ordinances, directions, & instructions, not contrary to the lawes of this our realme of England, as well for the setting of the formes & ceremonjes of gouernment & magistracy, fitt & necessary for the sajd plantation & inhabitants, & for the naming & stiling all sorts of officers, both superio<sup>r</sup> & inferio<sup>r</sup>, which they shall finde needefull for that gouernment & plantation, & the distinguishing & setting forth of the seuerall dutjes, powers, & l<sup>im</sup>itts of euery such office & place, & the formes of such oathes, warrantable by the lawes & statutes of this our realme of England, as shallbe respectively administered vnto them for the execution of the sajd seuerall offices & places, as also for the disposing & ordering of the election of such the sajd officers as shall be annuall, & of such other as shallbe to succeed in case of death & remouall, & administering the sajd oathes to the new elected officers, & for impossitions of lawfull fines, mulcts, imprisonments, or other lawfull corrections, according to

Power to y<sup>e</sup>  
Gouernor, Dep<sup>t</sup>,  
Asist., & free-  
men to make  
lawes, &c., not  
contrary to y<sup>e</sup>  
lawes of Eng-  
land, for set-  
tling formes of  
go<sup>u</sup><sup>mt</sup> & magis-  
tracy fitt & ne-  
cessary, &c.

Naming & stil-  
ing all sorts of  
officers.

Administring  
oaths to all  
warrantable by  
y<sup>e</sup> lawes of  
Engl<sup>d</sup>.

To impose  
mulcts, fines,  
imprison-  
ments, & cor-  
rections, &c.

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According to  
other corpora-  
tions in Eng-  
land, and y<sup>t</sup> y<sup>e</sup>  
people may be  
peaceably &  
religiously  
gouverned, na-  
tives woune to  
y<sup>e</sup> knowledge  
of God, &c.

All lawes to be  
publisht in  
writing vnder  
y<sup>e</sup> common  
seale.

The charter or  
duplicate, &c.,  
a sufficient  
warrant to any  
to execute y<sup>e</sup>  
lawes so made,  
&c., ag<sup>t</sup> his  
maj<sup>ty</sup> heires &  
successors, &c.

Gou<sup>r</sup>nor & all  
other officers  
respectiuely  
enabled to rule  
y<sup>e</sup> people, cor-  
rect, pardon,

[\*522a.]

going on y<sup>e</sup>  
seas thither,  
being there.

Returns  
ynce, &c., ac-  
cording to y<sup>e</sup>  
lawes, not be-  
ing repugnant  
to the lawes of  
Engl<sup>a</sup>.

Y<sup>e</sup> y<sup>e</sup> patent  
shallbe firme,  
good, effectual-  
all, & avai-  
leable to all in-  
tents & con-  
structions of  
law, & con-  
strued in great-  
est favor, ben-  
nefit, & behoofe  
of y<sup>e</sup> Gou. &  
Company, &c.

“the course of other corporations in this our realme of England, & for the  
“directing, ruling, & disposing of all other matters & things whereby our  
“sajd people, inhabitants there, maybe so religiously, peaceably, & ciuilly  
“gouverned as their good life & orderly conversation may winne & incite the  
“natives of the country to the knowledge & obedience of the only true God  
“& Saviour of mankind; & the Christian faith, w<sup>ch</sup>, in our royall intention,  
“& the adventures free profession, is the principall end of this plantation,  
“willing, comāding, & requireing, and by these presents for vs, our heires  
“& successo<sup>r</sup>s, ordeyning & appointing that all orders, lawes, statutes, & ordi-  
“nances, institutions & directions, as shall be so made by the Gouverno<sup>r</sup> or  
“Dep<sup>t</sup> Gouverno<sup>r</sup> of the sajd company, & such of the Asistants & freemen as  
“aforesajd, & published in writing, vnder their comōn seale, shall be carefully  
“& duely observed, kept, performd, & put in execution, according to the  
“true intent & meaning of the same.

“And these our letters patents, or the duplicate or exemplification  
“thereof, shallbe to all & euery such officer, superio<sup>r</sup> & inferio<sup>r</sup>, from time to  
“tjme, for the putting of the same orders & lawes, statutes & ordinances, in-  
“structions & directions, in due execution against vs, our heires & successo<sup>r</sup>s,  
“a sufficient warrant & discharge.

“And we doe further, for vs, our heires & successo<sup>r</sup>s, give & grant to the  
“sajd Gou<sup>r</sup>nor & Company, & their successo<sup>r</sup>s, by these presents, that all &  
“euery such cheife comāders, captaines, gouerno<sup>r</sup>s, & other officers & minis-  
“ters as, by the sajd orders, lawes, statutes, ordinances, instructions, or direc-  
“tions of the sajd Gouverno<sup>r</sup> & Company for the time being, shall be, from  
“time to time, \*heereafter employed, either in the gouernment of the sajd  
“inhabitants & plantation, or in the way by sea thither or from thence, ac-  
“cording to the nature & limitts of their offices & places respectively, shall,  
“from time to time, hereafter foreuer, w<sup>th</sup>in the precincts & parts of New  
“England hereby mentioned to be granted & confirmed, or in the way by sea  
“thither or from thence, haue full & absolute power & authority to correct,  
“punish, pardon, governe, & rule all such the subjects of us, our heires &  
“successo<sup>r</sup>s, as shall, from time to time, adventure themselues in any vojage  
“thither or from thence, or that shall, at any time heereafter, inhabit w<sup>th</sup>in  
“the precincts & parts of New England aforesajd, according to the lawes,  
“orders, ordinances, instructions, & directions aforesajd, not being repugnant  
“to the lawes & statutes of this our realme of England as aforesajd.

“And wee doe further, for us, our heires & successo<sup>r</sup>s, ordejne & grant  
“to the said Gouverno<sup>r</sup> & Company, & their successors, by these presents, that  
“these our letters patents shallbe firme, good, effectual, & avai-  
leable in all

“ things, & to all intents & constructions of lawe, according to our true meaning, herein before declared; and shallbe construed, reputed, & adjudged in all cases most favorably, on the behalfe & for the benefitt & behooffe of the said Gouverno<sup>r</sup> & Company, & their successors, although expresse mention of the true yearely value or certainty of the premisses, or of any of them, or of any other gifts or grants by vs, or any of our progenitors or predecessors, to the aforesaid Gouverno<sup>r</sup> or Company, before this time made in these presents, is not made; or any statute, acts, ordinance, provission, proclamation or restraint to the contrary thereof, heretofore had, made, published, ordeyned, or provided, or any other matter, cause or thing whatsoever to the contrary thereof, in any wise, notwithstanding.”

1665.

May session

Wee shall now proceed to mention some of those mandates, impositions, & declarations that haue binn made & passed by the aboue named gentlemen since their arrivall heere, wherein the gouernment & inhabitants of this colony doe remajne vnsatisfied w<sup>th</sup> their proceedings; & these may admitt of a double consideration.

As to their mandates & impositions, w<sup>ch</sup> are of 2 sorts.

1. Such as doe tend more immediately to violate & infringe his majestjes authoritje here established, according to his royall charter.

Such as tend to violate his maj<sup>ties</sup> authority heere, &c. Y<sup>e</sup> tend to ruinating of p<sup>ersons</sup> & families.

2. Sundry acts & declarations of theirs that haue been greatly injurious, if not to the vtter ruinating of sundry particcular persons & familjes.

Touching those wherein his majestjes authority may appeare more immediately to be concernd, wee shall mention only two at present, reserving liberty for others when wee shall haue further oppertunity.

As to such things his maj<sup>ties</sup> authority is immediately concernd.

1. Their warrant for the protection of John Porter, Juñ, as may appeare in the narrative, page 25, the merriits of whose case, for which he was censured by the gouernment there, may be seene in the foregoing narrative.

As their warr<sup>t</sup> protecting Jn<sup>o</sup> Porter;

2. Their requiring not only particcular persons, but euen the whole colony, (Gouvernor & Company therein, comprising all the authority constituted here by his majestjes royall charter,) to appeare before them, & submit to their determination as to a Court of appeales; & that in such cases as referr to particular rights betweene party & party, all which may appeare in their seuerall repljes made to the Courts answer to their proposall on 7, 8 instruction, page 58, their warrant to Joshua Scottow, page 58.

Y<sup>e</sup> requiring Gou. & Compa. to appeare before them & submit to their determination.

Courts ground of non concurrence.

Touching the grounds of the Courts nonconcurrence w<sup>th</sup> them herein, wee shall breiffly mention some of them at present, reserving liberty for the Court more fully to declare themselues, as further occasion shall be offered.

Y<sup>e</sup> charter impowers to correct & pardon, &c.

1. His majestjes charter giveth full and absolute power to the Gouvernor & Company of this his colony to correct, punish, or pardon all offences, &c.

Comission<sup>rs</sup> say y<sup>e</sup> Court shall not proceed to execute y<sup>e</sup>ir sentence, &c.

But these gentlemen say they shall not proceed to execute the sentence

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May session.

Charter im-  
powers to forme  
oathes, &c.But y<sup>e</sup> comis-  
sion's require  
all officers, un-  
der oath, to  
suffer an of-  
fender to be  
w<sup>th</sup>out restr<sup>t</sup>.Charter a suffi-  
cient warr<sup>t</sup>, &c.The commissi-  
ons declare  
they will not  
refuse to heare

[\*523.]

complaints  
acted aboue 20  
yeers since y<sup>e</sup>  
judges dead,  
&c.Charter im-  
powers to  
make lawes,  
&c, not repug-  
n<sup>t</sup>, &c.But y<sup>e</sup> gent<sup>l</sup>  
say in y<sup>e</sup>rCourt of ap-  
peales they will  
proceed to  
judgm<sup>t</sup>, &c.The charter  
grants vs all  
immunitjes of  
free borne sub-  
jects, not to be  
disseized, &c,  
nor haue judg-  
m<sup>t</sup> passe but  
by o<sup>r</sup> peeres &  
y<sup>e</sup> law of y<sup>e</sup>  
land.But y<sup>e</sup> gent<sup>l</sup>  
erect a Court  
of appeales  
w<sup>th</sup>out jury, &  
say y<sup>e</sup>y will  
haue none, &c.Instead of  
shewing their  
instrucons w<sup>th</sup>  
their commis-  
sion, as y<sup>e</sup> king  
comānds, &c,  
they protect  
Porter w<sup>th</sup>out

of justice legally passed against a notorious offender, but they will protect him vntill they haue againe heard & determined the case.

2. His majestjes charter directeth & appointeth the Gouvernor & Company to forme & administer oathes to their seuerall officers, as they finde meete & necessary for the faithfull discharge of their respectiue places.

But these gentlemen doe comānd & require all officers, civill & military, & all others, to suffer a notorious offender, that is sentenced to imprisonment, to be w<sup>th</sup>out restreint, & y<sup>t</sup> is sentenced to a seuere punishment to be w<sup>th</sup>out molestation.

His majesty saith, that for the putting the lawes here made in execution, his royall charter shall be to all officers, superio<sup>r</sup> or inferio<sup>r</sup>, a sufficient warrant & discharge.

\*But these gentlemen doe appoint y<sup>e</sup> Generall Court of this colony, & particular persons to appeare before them as a Court of appeales, to answer the complaints of particcular persons in such cases as referr to particcular rights betweene man & man; as also of delinquents that haue been punished for high offences again<sup>t</sup> God & his majestys peace, by the gouernment heere, declaring that they should not refuse complaints in cases that had been past heere more then twenty yeares since, when the judges in these cases are dead.

4. His majestjes charter grants vnto the Gouverno<sup>r</sup> & Company heere, and the freemen thereof for the time being, power to make wholesome & reasonable lawes, (not repugnant to the lawes of England,) fitting & necessary for this plantation, for the ruling, directing, & gouerning the people in all matters & things.

But these gentlemen say, that in their Court of appeales they will proceed to judgm<sup>t</sup> according to their oune discretions.

His majestjes charter granteth to all his good subjects here all the immunitjes & priuiledges of his naturall subjects w<sup>th</sup>in any of his dominions, whereof one principall one is, that no man shall be diseised of his freehold, nor shall judgment passe vpon any but by the lawfull judgment of his peeres, & by the lawe of the land.

But these gentlemen doe proceed to constitute a Court of appeales w<sup>th</sup>out jury of trjalls, & vpon the question put to them, doe say they will haue no jury to passe on the case they shall heare.

Also wee might vrge the manner of their actings, namely: that whereas his majesty appointeth them, at the same time when they shew their commissi-  
on, that they shew his instruction to them also, yet, contrary to his majestjes comānd thus given them, they grant a protection to Porter, & inhibit all

officers, superior & inferior, from the discharge of their respective trusts, before they shew vnto the Court their instructions from his majestje, whereby the Court might know his majestjes grace & favour towards them, or notice given to the Court of any complaint made against them; & when the Court, by word & writing, expressed to them their dissatisfaction, apprehending that hereby his majestjes charter & authority to them comitted was greatly infringed, they justified their act herein, & refused to abate the same.

But wee shall forbear further to insist heere, & proceed to the second particular, namely, the wrongs & injurjes donne to particcular persons. Those which at present wee shall mention may appeare in their declarations, one dated March the 21<sup>st</sup>, 1664, the other Aprill the 4<sup>th</sup>, 1665. See the narrative, page 23, 4, 5, in refferenc wherevnto the complaint made by some of ours may partly appeare in their petition, exhibbited to the Generall Court the 3<sup>d</sup> of May, 1665, a copie whereof wee shall here insert, together w<sup>th</sup> the Courts act therevpon.

To the honoured Gofino<sup>r</sup>, Deputy Gouverno<sup>r</sup>, & the rest of the Magistrates & Deputjes of the honoured Generall Court sitting at Boston, the 3<sup>d</sup> of May, 1665.

The humble petition of Daniel Gookin, Amos Richison, Thomas Prentice, Deane Winthrop, Roger Plajsted, Charles Chancy, præsid<sup>t</sup> of the colledg, in behalfe of that society, & seuerall others,

Humbly sheweth, —

That whereas your petitioners haue had seuerall parcells of land granted vnto vs in the Pecquot country, neere the Riuer of Pawcatucke, which were layd out & confirmed by this Court, allowed & approoued by the comissioners of the Vnited Colonjes, w<sup>th</sup> the consent of the Indians that remajned & liued vpon it, vpon which grounds some of vs were encouraged to lay out our estates in the emproouement thereof for seuerall yeares, not doubting the justnes of the title, being both conquered & long possessed, all which notw<sup>th</sup>standing, it hath pleased his majestjes honorable comissioners (through some misinformations, as wee conceive) to give forth an order, \*vnder three of their hands & scales, requiring vs & our tennants to depart of from the sajd lands, & out of our houses & possessions there, & to put of all our catle at or before the 29<sup>th</sup> day of September next, w<sup>th</sup>out calling some of vs to answer or speake for our rights, which decree, if it take effect, (& wee know no way to prevent it,) is like to be the ruine of some of our familjes; therefore our humble request to the honoured Court is, that yow will conferr w<sup>th</sup> the hono<sup>r</sup>able comissioners about this matter, & vse some meanes for our releife, (for some of us haue

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giving y<sup>e</sup> Court  
y<sup>e</sup> least notice  
of any com-  
pl<sup>t</sup>.

Being informd  
it was looked  
at as an in-  
fringm<sup>t</sup>, & c̄,  
they justify  
their act & re-  
fuse to abate,  
& c̄.

To y<sup>e</sup> 2<sup>d</sup> par-  
ticular, persons  
wronged, & c̄.

Instanc y<sup>e</sup> pe-  
tition of Daniel  
Gookin, Amos  
Richison,  
Charls Chancy,  
præsident of y<sup>e</sup>  
colledg, & c̄.

Who hauing  
lands granted  
them in y<sup>e</sup>  
Pecot country,  
& possest by  
their gr<sup>t</sup> ex-  
pense, & c̄,  
were, by an  
order of y<sup>e</sup>  
comjss, re-  
quired to de-  
part from their  
inheritances.

[\*524.]

& take away  
y<sup>e</sup>ir catle, & c̄.  
To their ruine.  
Humbly desir-  
ing y<sup>e</sup> Courts  
favor to confer  
w<sup>th</sup> y<sup>e</sup> comis-  
sioners about  
it, & endeavor  
y<sup>e</sup>ir relief.

1665. sought it of them w<sup>th</sup>out effect hitherto;) but it may be the Court may cleare matters to them for their better information, that so, if the will of God be, wee may be eased to liue & subsist in a cherefull performance of our duty to God & men in all wayes of righteousness. & wee shall pray.

May session.

Courts ans<sup>r</sup> to  
y<sup>e</sup> petition.

In answer to this petition this Court doth order, that the secretary carry y<sup>e</sup> same vnto his majestjes hono<sup>r</sup>ble co<sup>m</sup>missioners, w<sup>th</sup> these following lines:—

Gentlemen:—

Wee hauing perused this petition, & finding that the grievance doeth arise from some act donne by yo<sup>r</sup>selues, as the petitioners doe alleadge, wee could doe no lesse then co<sup>m</sup>end the matter to yow, in which case, if yow shall please so farr to take notice of it as to give vs your sence thereof, then wee hope it will contribute to the satisfaction of the agreived.

By order of the Court. EDW: RAWSON, Secre<sup>t</sup>.

To the Hono<sup>r</sup>ble Co<sup>t</sup> Richard Niccolls, & the rest of the hon<sup>ble</sup> co<sup>m</sup>missioners.

The peti<sup>c</sup>ion &  
Courts ans<sup>r</sup>  
presented to y<sup>e</sup>  
co<sup>m</sup>missioners.

Partjes also  
make y<sup>e</sup>r appli-  
cations.

& tender testi-  
mony to cleare  
their right.

But no argum<sup>t</sup>  
prevajles for  
y<sup>e</sup>r releife.

The peti<sup>c</sup>ion aboue mentioned, together w<sup>th</sup> the Courts act therevpon, was presented to the co<sup>m</sup>missioners the same day, 26 of May, 1665; but they were not pleased to make any returne to the Court therein: also, sundry of the agreived persons made their particular applications to them for releife, craving an abatement of their injunction imposed on them by their declarations; tendering testimony to cleare the righteousness & æquity of their clajme against all that might be alleadged against them, as also of their innocency as to any matter of fact whereof any of them were sajd to be accused; pleading the insufferable injurjes to them & their familjes, in being thus turned out of their freehold, & thereby deprived of the benefit of their great expences & honest labours thereon, to the ruine of themselves & familjes; & that w<sup>th</sup>out any complaint legally exhibbited; yet no argument hath hitherto prevayled for the releife of his majestjes subjects thus bereaved & oppressed, contrary not only to the agreement of the Vnited Colonjes & custome of the country, but also to the Magna Charta of England, as may particularly appeare, statu<sup>t</sup> 9 Heñ 3, 29; 5 Edw 3, 9; 28 Edw 3, 3; 11 Rich 2, 10; 25 Edw 3, 4, being compared, the righteousness of the clajme made by those that are thus ejected out of their freehold & lawfull possessions, were it our present taske, wee doubt not to give full satisfaction to his majesty concerning the same. As for that part which ljeth in the Narrowganset country, this colony, as a colony, neuer

much concerned themselves in it; the other, lying at Paucatucke, in the Pecquot country, the possession & free hold of the aboue named petiçōners, is a part of that tract of land conquered by the English here in a defensive warr, made about twenty nine yeares since, against the bloody salvages, inhabitants thereof, called Pecquotts, who were a cōmōn ennemy to all the English, threatning wholly to roote them out of the land, & to fish their corne w<sup>th</sup> their carcasses, killing sundry in seuerall places, both on the land & water, &, after their cruell manner, tortured them vnto the death, & had proceeded to the vtter extirpation of the name of an Englishman, had not his majestjes subjects heere, in their oune just defence & w<sup>th</sup> vnanimous agreement, ventured their liues in a perrillous warr at their oune charge, accompanjed w<sup>th</sup> sad disadvantages, for the conquering & subduing so potent an ennemy as these Pequotts, who were then a terror to all the Indians round about them. The good hand of God accompanying the endeavo<sup>r</sup>s of his people herein w<sup>th</sup> successe to the subduing of that poeple, it remajned as needfull to *to* keepe them in subjection as at first to enterprise the same; & for that end the English agreed to plant their country w<sup>th</sup> English townes, which was afterwards donne. \*And also considering that they were seuerall colonjes vnder one king, & came from their native country for one & the same end, & were here scattered at a great distance amongst the wild salvages in a vast wilderness, had no walled townes or garrisons of souldjers for their defence, they apprehended the least they could doe was to enter into a league of amity & vnion one w<sup>th</sup> another, ingaging, in case of any vnjust & fresh assault made vpon any part by the natives, jointly to asist each other as the matter should require, this being an end of their then confœderating, as the articles signed by the Generall Courts of all the colonjes in May, 1643, will plainly demonstrate, to the end that as our distance of place one from another rendered us weake, & layd us open to their rage & violence, so our vnion might be as well to them a terror as to vs strength; &, through the goodnes of God, wee haue hitherto had large experience of the great good that by this confœderation hath redounded, not only to all his majestjes subjects here planted, but euen to the natives themselves, it having been a meanes to prevent much trouble & blood shed among themselves, so that although since that warr some of them haue sundry times made their attempts, & put us to a considerable charge & trouble seuerall wayes, yet no massacre hath beene amonge vs from that day to this, blessed be God for it.

Now, hauing thus plainly opened sume thing of our cause, wee hope wee shallbe excused in the course wee haue taken to saue ourselves & this his majestjes colony from perishing, either by dashing on the rocke of his majes-

1665.

May session.

Pecquots a  
cōmōn enmy.Subdued at a  
vast expenē &  
great hazards.

[\*525.]

Occasion of  
Vnited Colo-  
njes & confœd-  
eration.We<sup>ch</sup> hath beene  
of terror to y<sup>e</sup>  
natives, pre-  
venting their  
insurrections.& strength to  
y<sup>e</sup> English as a  
meanes, vnder  
God, to pre-  
serve y<sup>e</sup>m from  
massacres.Courts en-  
deavors to saue  
y<sup>e</sup> country  
from perishing  
excusable on  
such a dilemā.

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May session.

The grounds of their proceeding not only from principles of reason & religion, but his maj<sup>y</sup> royall encouragement<sup>t</sup> by y<sup>e</sup> charter, & his royall letters.

His maj<sup>y</sup> so often declaring y<sup>e</sup> largnes of his heart, &c, to vs.

Courts straight either to vndoe y<sup>m</sup>-selues & posterity in an instant, or otherwise to doe as they haue donne.

The Court not without sence of their remotenes from his maj<sup>y</sup> & hopes condicon to remoooue present difficultes, &c.

Beyond all other corporations y<sup>e</sup> are

[\*526.]

neerer seated to his maj<sup>y</sup> for redresse, &c.

Had wee yielded to an arbitrary Court of appeales, vrged, &c.

tjes just displeasure by neglecting his authority in his comissioners, on the one hand, or by prostituting our liues, libertjes, peace, & comfort, on the other hand, vnto such an arbitrarines as was neuer yet thought fitt for the gouernment of any of his majestjes free & naturall subjects, much lesse for any corporation of them, & is wholly inconsistent w<sup>th</sup> the wise & gracious ends for w<sup>ch</sup> this people were by royall favo<sup>r</sup> permitted & encouraged to runne the great adventures whereby they haue seated themselues in this houling wildernesses w<sup>th</sup>out wrong to any, & wholly on their oune private charges; especially further considering, ffirst, the good ground they had to proceed vpon in what they haue donne, being, besides principles of reason & religion, no lesse then royall warrant, & royall encouragement of his majestjes charter, & letters to vs, & jnstructions given to those very comissioners, as is before rehearsed.

2. The great reason wee haue, so farr, to rely vpon the royall grace & justice of our dread soueraigne, who hath so many wajes constantly proffessed the largenes of his heart & tendernes of his bowells towards vs as not in any wise to consent to the abuse of his name & authority, vnder any pretence, to ouer through that his authority, which hath beene & is exercised in this his colony, & vnder which his majesty was pleased of his princely favo<sup>r</sup> to oune in his first letters of grace vnto vs.

3. The present & absolute necessity vnder which wee laboured either of doing as we haue donne, or els by our oune voluntary act, w<sup>th</sup> the power of a law to ourselues & all posterity by comon consent in Generall Court, of doing that whereby in our oune judgments, vpon deepe consideration, wee should in one instant vtterly haue vndonne ourselues & this his majestjes colony, comitted by God & our souereigne to the watchfull care & trust of this gouernment; for, —

1. Wee could not but be sensible of the remotenes of place wherein this his majestjes colony is seated from his royall throane, so that wee neither at present could haue oppertunity to prostrate ourselues afresh before his majestjes feete to supplicate his favo<sup>r</sup> for the remooving of such difficultes as did surround our motion, or our sitting still on euery side, nor for the future could euer, in any vrgent necessity, expect seasonably to enjoy it, it requiring almost a whole yeares time to \*send to England & conceive such answer as the case may call for; whereas in other corporations of his majestjes subjects dwelling in England, Scotland, or Ireland, there may be a more speedy adresse to his majesty, & redresse from his princely clemency, of any exorbitancy which might proceede from any arbitrary decission in any weighty case whatsoever, which would to us haue proved a perpetuall & intollerable

burden, had wee yeilded to an arbitrary Court of appeales, vrged to be set vp among us. 1665.

2. Neither, secondly, could wee be insensible of the sincking discouragements that, like a flood, begann to ouerwhelme the hearts & weaken the hands of his majestjes good & loyall subjects heere, who, being divided in, though not among, themselues w<sup>th</sup> a multitude of distracting feares & cares about events, (as men are wont to be when their dearest interests are vpon the wheele of motion, & their cheifest enjoyments are held vpon a hazardous dispute,) were very much enervated in their endeavo<sup>r</sup>s to act as men settled in an assurance of continuance of their most desired enjoyments, & this not w<sup>th</sup>out weighty reasons, that did affect the most pondering & considerate among them, which will further appeare by these other arguments, of necessity thus to act as wee haue donne; for wee could not but be awakened by the sence of present eminent danger from the salvage natives bordering vpon this & other his majestjes colonjes that haue beene principally awed by the Massachusetts, finding that awe turned into contempt by their vnwonted, proud, & insolent words & deeds against seuerall, not only particullar persons, but colonjes, insomuch that some of his majestjes subjects haue w<sup>th</sup>drawne from their houses for feare, & since some others affronted by them at their oune doores, in so much that quarrells betweene them & the English haue arisen, to the effusion of some blood & the endangering, if not the losse, of some liues lately at Block Island; & travajls haue beene taunted thus, ‘Whence are you? Of the Massachusetts?’ Then Massachusetts men are all but as a strawe, bloune away w<sup>th</sup>out breath, taking vp a strawe; so that this bridle taken of, what else could be expected but troubled from them, especially seeing there were intimations that it was occasioned from some words & actings of the comissioners, where, whittingly or vnwhittingly, God knowes. Moreouer, some actings of the comissioners had an appearance in the eye of the country as if it had beene one speciall part of their designe to gether all the combustible matter of discontented spirits among vs into one, to make a flame in the country contrary to the tender care & expresse charge of his majesty, comāding not to disturbe the peace, as appeared by the comissioners letter to some in Ipswich & in other places, by their mooving to haue first all, & then all concernd in the patent gathered together at the election, which being answered as vnusuall & hazardous, the reply was such as is before declared by their high favo<sup>r</sup>s to discontented persons, & great countenance given to the Road Islanders, whose first rise & continuance hath beene such to the other colonjes as is not unknowne to any discreet observer in these parts; and on the other hand, calling (in their publick declarations) the Vnited

May session.

Nor was the Court w<sup>th</sup>out a deepe sence of sincking discouragm<sup>t</sup> by such actings of y<sup>e</sup> comissioners at such a juncture, &c.

But awakened by y<sup>e</sup> sence of p<sup>r</sup>sent eminent danger from y<sup>e</sup> natives by y<sup>e</sup>ir awe of y<sup>e</sup> Massachusetts taken away, &c.

Contempt instead y<sup>e</sup>reof breaking out.

W<sup>th</sup> seemed to be occasioned by y<sup>e</sup> words & actings of the comissioners, wittingly or vnwittingly, God knowes, &c.

Y<sup>e</sup> apprehensions of some in y<sup>e</sup> country as if it were y<sup>e</sup> designe to make a flame, &c.

By y<sup>e</sup>ir favo<sup>r</sup>s to discontented persons & countenā to Road Islanders.

1665.

May session.  
Declaring y<sup>e</sup>  
Vnited Colo-  
nyes an vsurped  
authority, &c.

Comāding  
some of his  
maj<sup>ty</sup> subjects  
out of their  
freeholds, &c.

[\*527.]

Encouraging  
others, as Por-  
ter, to expect  
like favor, to  
y<sup>e</sup> utter oū-  
throw of jus-  
tice.

Not suffer<sup>g</sup>  
men to speak  
for themselues.

Whilst y<sup>e</sup> goſ-  
m<sup>t</sup> stood ar-  
raigned at their  
barr, all things  
had beene at  
their dispose.

Courts care &  
conscienc to  
render to God  
y<sup>e</sup> things y<sup>t</sup> are  
his, & to Cæ-  
sar, &c.

Appearing in  
y<sup>e</sup>ir orders  
about oath of  
allegiance.

Colonjes that vsurped authoritje contrary to the light of reason, that allowes all whose journeys end is the same, & whose way ljes together, to combine for their mutuall help in all things cōmon & just, w<sup>th</sup>out the least suspition of taking vpon them any vsurped authority, whither it be by land or sea, which, therefore made it seeme to be their speciall designe to disvnite the colonjes, & so to bring vs vnto ruine. Not to tyre the reader w<sup>th</sup>all that might be sajd <sup>in</sup> their acts of authority put forth, threatning the destruction of our constitution, as in comāding some of his majestjes subjects out of their freeholds at so short a warning as was given, which could haue no redresse, though the lands were conquered by a just warr against the Pecquots, & subdued by their great cost & industry, rendering thereby euery mans freehold suspect through the country; \*in protecting by their warrant that horrid vñatural malefactor, incouraging thereby the like w<sup>th</sup> confidence to expect the like favour w<sup>th</sup> the same facility, to the vtter ouerthrow of all justice & morrality; in sumōning some of this jurisdiction to answer before them in another colony, (viz<sup>t</sup>, at Warwicke,) w<sup>th</sup>out giving notice to the authority heere, or instancing the cause to be answered vnto, contrary to all processe of justice; in opprobrious snibbing of such as pleaded before them for their rights, out of which they were w<sup>th</sup>out any right or good reason dispossessed, so as not to suffer them to speake for themselues. Now, had this only reached particular persons, though hard to be borne, yett it had beene more tollerable; but they proceeded to the sumōning of the Gouvernor & Company (viz<sup>t</sup>, the whole Generall Court) to answer at their barr, & that to an vncertaine heape of vnknoune accusætions by particullar persons, referring to particullar rights, & those persons, not their æqualls, to be produced, & issued when & as they pleaded, so that whilst the whole gouernment stood arraigned before them as delinquents, all things had beene at a losse, & the dispose of the whole fallen vnder their good pleasure. Now, all this being considered, wee judged it a matter of necessity in such a mode, at such a juncture, so as to assert his majestys authority among us, they endangered vnder the pretence of his authority to the ruine of his colony.

And lastly, considering the conscience of our oune integritje, that as in the sight of God, being carefull to render vnto God the things that are Gods, & to Cæsar the things that are Cæsars; yea, to all men that which in justice belongs to them.

In all the proppositions which were made vnto vs by his majestjes cōmission<sup>rs</sup>, wee haue yeilded as farr as wee could, w<sup>th</sup>out prejudice to religion & his majestjes gouernment in these parts, as maybe cleerely seene in our orders

about the oaths of allegiance, the enlargement of the body of freemen, & the issuing forth warrants in his majesties name, &c. 1665.

All which things being well considered, wee are bold, as in the presence of Him from whom no secret canbe concealed, before whom all hearts are manifest, that loues trueth in the inward parts, & will haue no fellowship w<sup>th</sup> iniquity, though in the greatest step of outward dignity, to cast ourselues at the feete of his majestie for the continuance of his royall favor towards vs, & exerting of it in such a way as may establish our all vnto vs in this our time of trjall, for the obteyning whereof wee are lying lowe in ourselues before the King of kings, in solemne humilliation w<sup>th</sup> the order for w<sup>ch</sup> wee here conclude.

May session.

Enlargm<sup>t</sup> of freemen.

Process in his maj<sup>ty</sup> name.

When<sup>c</sup> w<sup>th</sup> boldnes cann implore his maj<sup>ty</sup>s favor to establish our all to vs.

Att a Generall Court for the Massachusets jurisdiction in New England, held at Boston, 3<sup>d</sup> May, 1665.

This Court hauing taken into their serious consideration the distressed, bleeding condition of the Protestant Christian interest in the world, the darknes of this hower of temptation, & referring to ourselues those manjfold publick rebukes the Lord hath given vs in our concernments at home & abroad, contending w<sup>th</sup> us diuers yeares, & now againe by the catter pillar & the palmer worme, denying vs the priuiledg & mercy of being a people so desired as in former dajes, & threatening vs, by diuers judgments impending, severely to punish vs euen w<sup>th</sup> the remoovall of the candlestick out of its place, except wee repent, & so make vs a reproach by avenging the quarrell of his couenant; his jealousy being provoked there vnto by the abounding of iniquitie among us, the great indisposition & vnsubduednes of our spirits to take vpon ourselues & submitt vnto the yoake of Christ, wantones vnder the peace & libertjes wee pertake of; & considering likewise how great a measure of our prosperity hath its dependance, vnder God, vpon the benigne aspect of our soueraigne lord the king towards vs & the rest of his good subjects in these ends of the earth, aswell as in other parts of his dominions; not vnmindfull also of the alarum from Heaven given vs in the awfull appearance \*of the cometts, both this & the last yeare, warning vs to be watchfull & quickened vnto the discharge of the seuerall dutjes jncumbent on vs respectively; as also in regard of the late declared warr betwixt England & Holland,—doe therefore see great reason to stirr vp all the inhabitants of this colony to be instant in season & out of season w<sup>th</sup> the Lord, by prajer for his mercy towards his poore ser-vants, to pray alwajes w<sup>th</sup> all prajers & supplications in the spirit, & watching therevnto w<sup>th</sup>all perseverance; & in particular doe comend to the churches & inhabitants the 22<sup>th</sup> day of June next, to be kept as a solemne day of fasting & prayer throughout this jurisdjction, wherein all may vnfeignedly humble

For y<sup>e</sup> end, amongst others, a day of humilliation, 22 June, 1665, appointed, &c.

[\*528.]

1665.

May session.

themselves in the sight of God, lifting vp holy hands w<sup>th</sup>out wrath & doubting, & may turne from the evill of their doings in the way of a reall & thorough reformation, that so the Lords anger may be turned away from us, & wee may obtaine reconcilliation w<sup>th</sup> him, & the continuance of his gracious presence w<sup>th</sup> us & ourts, that his worke may appeare to his servants & his glory to their children, together w<sup>th</sup> the favo<sup>r</sup> of the kings majesty towards us, whence wee maybe encouraged in this wildernes still to offer vp the sacrifices of sweete savo<sup>r</sup> unto the God of heaven, & pray for the life of the king, that vnder him wee may liue a quiet & peaceable life in all godlines & honesty.

By the Court.

EDWARD RAWSON, Secret<sup>r</sup>.

Y<sup>e</sup> northerly  
line of our  
charter belongs  
to y<sup>e</sup> Massa-  
chusets.

Certaine reasons tending to manifest that the patent right of the north-  
erly line of the charter doeth belong to the Massachusetts colony in New  
England.

Y<sup>e</sup> riuer is y<sup>e</sup>  
same name &  
thing *thing*, &c.

1. The riuer is the same name & thing, viz<sup>t</sup>: Meremack, aljas Monomack River, from Salisbury to Winnipeseckik, as appeares by testimony of Indians, the giuers of y<sup>e</sup> name, who, though they haue particcular distinct names for euery part of the riuer as it passeth through sundry plantations, yet oune this generall name, Meremake, ouer all the lake; also the free depth, breadth, & passage of the streame passing vnterrupted, cleares it to be the same riuer, at least a part of it, for wee must distinguish betweene one riuer running into another, & branches or armes of *of* the same riuer.

By y<sup>e</sup> observa-  
tion of marri-  
ners, &c.

2. A streight l<sup>j</sup>ne eastward from Winnipeseckik to Casco Bay is the north l<sup>j</sup>ne of the Massachusetts patent, as appeares not only by the observation of marriners prooving its lattitude, which observations must be acknowledged, being affected by artists, vnlesse they be disprooved, but from the words of the charter.

For all lands, &c, lying w<sup>th</sup>in three miles to the north of any & euery part of Merremake River, & so through out, keeping its longitude & lattitude, length & breadth, from the Atlantick Ocean to the back sea, belongs to the Massachusetts. Such a l<sup>j</sup>ne aboue sajd doeth only comphend the breadth & retejne the latitude of the patents l<sup>j</sup>ne from Winnipeseket to the sea. Now, if it did wind crooked w<sup>th</sup> the riuer, ^ would loose both breadth & lattitude at the sea, compared w<sup>th</sup> what it hath at the riuers head.

If the patents line must runne exactly west from Winnipeseket Lake to the backe sea, then it must runne exact east from the sajd lake to the Atlantick Ocean; otherwise, two northward l<sup>j</sup>nes, the one streight, the other crooked, bounds that side, which is altogether incongruous to the patent. Now, that

the lĳne from the lake to the back sea must be west, the charter expressly affirmes.

1665.

3. The words ‘all lands, hæredittaments, whatsoever, & throughout the land from sea to sea, in lattitude & breadth,’ &c, in which is all the breadth throughout the majne land there, &c, being so full, & the word ‘all,’ theire repeated in that clause of the charter, can imply no lesse then to comprehend all the lands in the lĳne, & lattitude, & breadth aforesajd, euen in euery seuerall longitud from sea to sea.

May session.  
All lands, &c,  
cann imply no  
lesse y<sup>n</sup> all y<sup>e</sup>  
lands in y<sup>e</sup> lĳne  
& lattitude, &c.

In the next clause, ‘all lands & grounds, &c, lying w<sup>th</sup>in the sajd bounds & lĳmitts, & euery part,’ &c, confirme that one streight lĳne must be continued from the sajd riuer head to both the seas named, or some parts w<sup>th</sup>in the sajd lĳmitts will be left out.

‘All lands,’ &c,  
confirme y<sup>t</sup> one  
streight lĳne  
must be contin-  
ued, &c.

\*5. And these words, ‘also all islands lying in America, in the sajd coasts, seas, or parts of the sajd tracts of land,’ &c, & a litle after, ‘extends & is abutted as is aforesajd, & euery part & parcell thereof, and all the sajd islands,’ &c, and againe the same is repeated to the associates, Sr Richard Saltonstall, &c, page the 7<sup>th</sup>; all which affirme that all islands lying w<sup>th</sup>in the lattitude of the lĳne, three miles north of Merremacke Riuers most northern part, must belong to the Massachusetts, the lĳne continuing east from thenc into the sea; for otherwise the patents north side is bounded by three lĳnes, one streight from the riuers heade to the backe sea, the other winding by Merremake Riuer, the third lĳne east from Merremakes Riuer mouth into the sea, to take in islands. Now, this three fold turning contradicts those patent words, ‘w<sup>th</sup>in all the breadth aforesajd, north & south, throughout the land from sea to sea, in lattitude & breadth,’ &c, & those, ‘w<sup>th</sup>in all the breadth aforesajd, throughout all the majne land,’ &c, compared w<sup>th</sup> the words spoken of islands, &c, ‘extends & is abutted as aforesajd, & all the sajd islands;’ for what must the extent & abutting be but vpon the lattitude & breadth betweene the north & south lĳnes that lĳmitts the lands at the riuers head, or north part of it, which lattitude must be prooued by astronomically observations, depending on former observations on the land, for lattitude at sea is prooued from heaven.

[\*529.]

All islands ly-  
ing w<sup>th</sup>in the  
lattitude of the  
line of 3 miles  
north of Merre-  
mak Riuer to  
belong to Mas-  
chusetts, &c.

6. Yet if the lĳne seemed dubious, the words ‘any & euery part of the sajd riuer,’ &c, must be construed, reputed, & adjudged in all causes, & consequently in this most favorably, & in the behalfe, & for the benefit & behooffe, of the sajd patentees & their successors. Now, this is for vs most beneficiall & behoofffull to keepe the north lĳne in one lattitude from Winnepeseket to both seas, keeping all its breadth, vnlesse wee goe further by the other branch of Merremacke, which goes to the White Hills, & thence to the

Where y<sup>e</sup> line  
is dubious, to  
be most favor-  
ably construed,  
&c.

1665.

May session.

sea, as some affirme wee may. If wee err, its by not going farr enough to the north by twenty miles.

The gracious acts of King Charles the First shew us his readines to promote New England ; so the mistakes & misinformations of those persons or mapps which came to his majesty, whence yet he granted no after charter to cutt of any part of our grant, as the vsuall reservations of all charters, & the speciall reservation towards the end of S<sup>r</sup> Ferdinando Gorges charter, evinceth, the first grant must stand. Our patent hath beene peopled w<sup>th</sup> greater speed & industry then most patents ; & the æquity of a due reward, proportionable to his disbursments, wee neuer deny<sup>d</sup> any adventurer, though the foundation of his proceeding were too weake to beare him out in lawe.

It is no plea to say wee neglected to challendge or measure our bounds at the first, for wee knew them not, nor could know them then, it requiring more cost, & incurring more danger among the then numerous & salvage heathen, then our smale beginning (or any other first planters of a remote wildernes) could ouercome. Wee proceeded, therefore, as wee were able. Neither did his majesty intend that either himself or wee should know our vtmost borders westward, which wee must yearly more discover as wee are able to encounter with the dangers, difficulties, & charges of an inland discovery ; which taske his majesty having cast to vs, wee must appoint wittnesses as to matter of fact, (if two or three more witnesses vejw the bounds, what harme?) wherein wee chose artists, & them seuerall persons in seuerall places at the lake, & at the sea in Casco Bay, to protect deceit that might be suspected if the same persons had observed in both places ; & these persons are not yet invalidated by disproofe or better plea.

[\*530.] Those actions of the Massachusetts gentlemen vrged against them were acted by private men, & so no Generall Court lawe or proceeding from of our then vndiscouered limitts, which takes not away a right granted vnder the great seale of England, as for the time of Yorkeshire peoples desertion, concurring w<sup>th</sup> abillity to prooue wee \*could protect them, & are then receiving them vpon patent right, (not petition right, or article right,) as the reccords of Yorkshire, in taking in of Kittery, testifies ; and for our articles, they are acts of favo<sup>r</sup> to the people, which if they carpe at, it shewes they were shewed more grace then they had grace to make vse of. Its desired the reccords, in the hands of all recorders for or in Yorkshire, were secured to prooue truth & prevent abuse.

‘Whereas his majesty hath been enformed that S<sup>r</sup> Ferdinando Gorges hath spent twenty thousand pounds.’ It is true that the inhabitants thereabouts say some hundred of pounds might by M<sup>r</sup> Thomas Gorges & M<sup>r</sup> Vines be spent ; but, setting aside their personall expences, there was but litle shew

of five hundred pounds spent for any publick behooffe, yet, possibly, through vnexperienced or ill management, a thousand pounds might be disbursed in all in a house & some land, broake vp at Yorke, euen to the encouraging the people in the sajd province to disoune his gouernment, &c; & a party of the inhabitants petitioning the Gouverno's of the Massachusetts Bay, &c.

1665.

May session.

Ljne 12, 13, 14

The conexion of these sentences seeme to imply that the Massachusetts Gouverno's were not the first interrupters of S<sup>r</sup> Ferdinando Gorges gouernment, which was interrupted by Baron Rigby, as pleading it was the Province of Lygonia, & so continued diuers yeares vnder him, till after his death & other occurrences; that gouernment was also shattered before the Massachusetts clajme was prooued or presented; so that S<sup>r</sup> Ferdinando Gorges might rather complaine of Baron Rigby then the Gouverno's of the Massachusetts.

In pursuance of that petition, those who had the gouernment of the sajd Bay did take vpon them the gouernment of the said province. Note that the Massachusetts neuer governd all that province, nor any part of it so accounted, saue only what lay w<sup>th</sup>in their line; neither was that in pursuance of a petition, but of their title, as their actings in receiuing Kittery (the first toune on the north side of Pascataqua Riuer) will shew by their records; & so in the other tounes the like was transacted: a petition was concurrent, not causative therein.

Ljne 14, 15.

'Agents, &c, for the sajd Bay, &c, did declare that those who they represented did not clajme any interest in, or title to, the sajd province, but,' &c.

How these representatiues of the Bay are misrepresented, see the late act of the councill at Boston: 'expended aboue twenty thousand pounds;' scarce a thousand pounds; see his mistake aboue: 'and haue continued under their gouernment euer since:' this is to be vnderstood only since Rigbys gouernment expired.

Line 28.

S<sup>r</sup> Thomas Gorge, M<sup>r</sup> Robert Gorge, &c, were gon a long time before the Massachusetts entrance on Yorkshire.

'And the petitioners comissioners, since our restawration, haue endeavored,' &c. The proceeding of those comissioners was interrupted because all lawe & custome, vnder legall gouernments, allowes to the quiet possessor of any lands, by virtue of any law title, to reteine his possession, vnlesse by law he be disposest; but those comissioners sought to wrest Yorkshire out of the quiet possessor's gouernment, without processe of lawe, w<sup>th</sup>out sufficient legall warrant, either from his majesty or from Ferdinando Gorges, Esquire, whom they pretended to represent, but produced no sufficient prooffe either of his comissionating them, or being yet aliue, or that he was S<sup>r</sup> Ferdi-

1665. nando Gorges heire, or that he had any right or title to the Province of Majne.

May session.

‘ Otherwise, that, without delay, yow shew vs reason to the contrary.’

To this the inhabitants of Yorkshire may reply, that it is not yet cleered that Yorkshire belongs to the Province of Majne. Adhuc sub judice hic est. They are bound on their part by oath & articles, & seuerall acts of their oune, [\*531.] (as particularly by their trustees at Wells, in their first treaty \*w<sup>th</sup> Mr Gorges comissioners, about May, 1662,) to acquiesse in subjection to their present Gouverno<sup>r</sup>s till the contrary be issued, & they expressly comanded, by the supream power of England, to any other jurisdiction.

3. His maj<sup>ty</sup> hauing sent to the Massachusetts Bay, their wisdoms, safety, & strength is, to sit still till the matter be answered by their Generall Court, & so, by a finall resolution, it be determined & rattified whom they must submitt to.

Att a Generall Court, held at Boston, 19<sup>th</sup> of October, 1652.

Cap<sup>t</sup> Symon Willard & Cap<sup>t</sup> Edward Johnson, a comitte<sup>e</sup> appointed by the last Generall Court to procure artists to joyne w<sup>th</sup> them to finde out the most northerly part of Merremack Riuer, respecting the l<sup>j</sup>ne of our patent, hauing procured Serjant John Sherman, of Water Toune, & Jonathan Ince, student at Harvard Colledge, as artists to goe along w<sup>th</sup> them, made their returne of what they had donne & found, viz<sup>t</sup>: John Sherman & Jonathan Ince, on their oathes, say, that at Aquædahton, the name of the head of Merremake, where it issues out of the lake called Winnepuscakit, vpon the first of August, one thousand sixe hundred fifty two, wee observed, & by observation found that the lattitude of the place was forty three degrees forty minutes & twelue seconds, besides those minutes which are to be allowed for the three miles more north, which runns into the lake. In witnes whereof they haue subscribed their names this nineteenth of October, one thousand six hundred fifty & two.

Comissioners  
returne about  
our northerly  
line.

Jn<sup>o</sup> Sherman &  
Jonathan Ince  
oath to y<sup>e</sup>r re-  
turne.

JOHN SHERMAN,  
JONATHAN INCE.

Ju<sup>r</sup> coram me, JN<sup>o</sup> ENDECOTT, Gou<sup>r</sup>.

This is a true copie, taken out of the Courts booke of reccords. As  
attests

EDWARD RAWSON, Secre<sup>t</sup>.

Att a Generall Court, held at Boston, y<sup>e</sup> 18<sup>th</sup> of October, 1654.

Mr Jonas Clarke & Mr Samu<sup>el</sup> Andrews, both well skild in the mathe-

mattiks, hauing had the comānd of ships vpon seuerall vojages, being appointed to take an observation at the northerly bounds of our patent vpon the sea cost, made this returne as followeth : —

1665.

May session.

Our observation, taken the 13<sup>th</sup> of October, 1653. The place of our last observation the altitude of the sunne was, according to observation & our best judgment, thirty fower degrees thirty fower minutes; the declination of y<sup>e</sup> sunne, according to calculation in England, eleven degrees thirty nine minutes; the difference of longitude betwixt this place & England, according to our best judgment, is sixty three degrees, w<sup>ch</sup> in time makes fower howers & one fifth part of an hower, which adds to our declination three minutes & forty seconds; all which altitude, declination, & meridianall difference being added together doth make forty sixe degrees sixteene minutes forty seconds, which being substracted from ninety degrees gaue vs to be then in north latitude forty three degrees forty three minutes twenty seconds, which was eight seconds to the northward of our lattitude given; which wee measured backe againe vpon a south line, & there fell in a very plajne place, where were few trees, but wee marked fower or fiue trees, one of them markt with M B; & at the sea side, where the l<sup>j</sup>ne doeth extend, there l<sup>j</sup>eth a greyish rocke at y<sup>e</sup> high watermarke, cleft in the midle, else the shoare being sand w<sup>th</sup>out stones, the l<sup>j</sup>nes doeth runne ouer the northermost point of an island, as wee guesse, not aboue two or three rodds aboue high water marke; the island is called the Vpper Clapboard Island, about a quarter of a mile from the majne, in Casco Bay, about fower or fiue miles to the northward of M<sup>r</sup> Mackworths house.

M<sup>r</sup> Andrews  
oath to his re-  
turne as to y<sup>e</sup>  
north line.

Given vnder our hands the 29<sup>th</sup> of October, 1653.

JONAS CLARKE,  
SAMUELL ANDREWES.

M<sup>r</sup> Clarke being absent, M<sup>r</sup> Samuell Andrews, vpon oath, testified to the trueth thereof, as followeth: Yow sweare by the liuing God, that the returne yow made vnder your hand of the observation yow made on the thirteenth of October, on the northerly bounds of our patent, is true according to the rules of art & yo<sup>r</sup> best skill & judgment. Taken before the Magistrates in Generall Court 19<sup>th</sup> of October, 1654.

EDW: RAWSON, Secre<sup>t</sup>.

This is a true copie, taken out of the Courts booke of reccords. As  
attests

EDW: RAWSON, Secre<sup>t</sup>.

1665.

May session.

[\*532.]

Cap<sup>t</sup> Willard &  
Cap<sup>t</sup> Johnsons  
oath about  
north line.

\*Whereas the Generall Court of the Massachusets, in the yeare 1652, appointed vs, whose names are vndersubscribed, to lay out the northerne lñe of our patent, & now being called to give testimony of what wee did therein, to this wee say as folloŵth: Besids our retorne in the Court book, p. 103, wee indented w<sup>th</sup> two Indians, well acquainted with Merremak Riuer & the great lake to which wee went, borne & bred all their dajes therevpon, the one named Pontauhū, the other Ponbakin, very intelligent as any in all those parts, as wee conceived. Wee couenanted w<sup>th</sup> them to leade vs vp Merremake Riuer so farr as the riuer was Merremake Riuer. When wee came short of the lake about sixty miles, there came two rivers into, one from the westward of the north, & the other from the northward of the east. The westerly riuer to me, as I then thought, was bigger then the other; but taking notice of both these riuers, & knowing wee must make vse but of one, I called the Indians to informe vs which was Merremake Riuer; their answer was, the river which was next vnto vs, that came from the easterly point, which riuer wee ffollowed vnto the lake. Witnes our hands this 17<sup>th</sup> of the 3<sup>d</sup> month, 1665.

SYMON WILLARD,  
EDWARD JOHNSON.

Attested on oath before the Goũno<sup>r</sup> & magistrates, assembled in Generall Court. As attests

THOMAS DANFORTH, p order.

This is a true copie compared w<sup>th</sup> the originall on file. As attests

EDW: RAWSON, Secre<sup>t</sup>.

Richard Wal-  
dernes oath  
about Merre-  
mak Riuer.

I, Richard Waldern, being called by the Generall Court to give in euidence of what I know about the name of Merremacke Riuer, testify & say that about thirty yeares since, hauing some co<sup>m</sup>erce or trade w<sup>th</sup> the Indians at Pascataqua, & many others, both of Paucatuck & Winnipicioket, did enquire what they called the riuer at Pennicooke. They saj<sup>d</sup>, it is Merremake; & inquiring why there were other names vpon that riuer, the answer was, such names referred to the places of land where Indians liue vpon the river, not the riuer itsel<sup>f</sup>; but the riuer beareth the name of Merremake, not only in that branch which runneth from Winnipicioket, but the other branch which runneth more westerly; also, likewise about sixe yeares since, being sent for by Passaconaway & seuerall other sagamores, where there was a great many Indians, at Pennicooke, & being then at the fort which was by the riuers side,

& enquiring concerning the name of the riuer, receaued the like answer as is aboue expressed. 17 3 m, 1665. Attested on oath before the Gouverno<sup>r</sup> and Richard Walderne, magistrates, in Generall Court. As attests

1665.

May session.

THOMAS DANFORTH, p order.

This is a true copie compared w<sup>th</sup> the originall left on file. As attestsEDW: RAWSON, Secre<sup>t</sup>.

Being called by the Generall Court to give an accompt of what my knowledg was concerning the extent of Merremak Riuer, hauing often times travailed the country, some of the natiues alwayes w<sup>th</sup> me, which hath from time to time affirmed that the lake called Winnipaseket issues into the riuer of Merremake, & hauing some Indians w<sup>th</sup> me vpon the north side of the sd lake, vpon a great mountajne, did see the sajd lake which the Indians did affirme issues into the aforesajd riuer, hauing this report by them for the space of twenty seven yeares.

Peter Weares  
oath, ad idem.

PETER WEARE.

May 17, 1665. Attested on oath before the Gou<sup>r</sup>no<sup>r</sup> & Magistrates, in Generall Court. As attests 17 May, 65.

THOMAS DANFORTH, p order.

This is a true copie, compard w<sup>th</sup> the originall on file. AttestsEDWARD RAWSON, Secre<sup>t</sup>.

Charles R.

Trusty & well beloued, wee greet yow well. Whereas our trusty & well beloued Ferdinando Gorges, Esq<sup>r</sup>, hath by his humble petition informed vs, that his grandfather, S<sup>r</sup> Ferdinando Gorges, Kn<sup>t</sup>, deceased, being a person who lajd himself forth very much for the advancing of forreigne plantations, & particularly that of New England, in Amerrica, did, in the 15<sup>th</sup> yeare of the reigne of our late royall ffather, of blessed memory, obtejne a grant, vnder the great seale of England, for a certeine part or portion of the sajd country, which by the sajd patent \*was entituled the Province of Mejne, & as the sajd petitioner affirmes that he hath heard from seuerall persons of worth, he, the sajd S<sup>r</sup> Ferdinando Gorges, did expend in planting seuerall parts of New England aboue twenty thousand pounds sterling; & when he was in hopes to receiue some advantage in the recompence of his great disbursm<sup>ts</sup> afore mentioned, the late unhappy warrs breaking out in England, he, the sajd S<sup>r</sup> Ferdinando Gorges, (though betwixt three & fowerscore years of age,)

His maj<sup>ty</sup> letter to Gou<sup>r</sup>no<sup>r</sup> & counsell in behalf of Ferdinando Gorges, Esq., on his information of a vast sume, 20,000<sup>li</sup>, expended on y<sup>e</sup> provin<sup>t</sup> of Mejne, granted to him by patent. & when advantage expected thereby, disappointed<sup>ly</sup> occasioned by y<sup>e</sup>

[\*533.]

late vnhappy warr, & himself engaging for his maj<sup>ty</sup>, was discountenn<sup>d</sup>, and so deprived of his go<sup>u</sup>m<sup>t</sup> there & y<sup>e</sup> profits thereof, &c.

1665.

May session.

did personally engage in our royall fathers service, & particularly in the seige of Bristoll, by reason whereof, when it was necessary for him to appeare before the councill & comittees for forreigne plantations, he was wholly discountenanced by them, euen to the encouraging of the people in the sajd province to disoune his gouernment, which had continued for seuerall yeares vninterrupted, & a party of the inhabitants of the sajd province petitioning the Gou<sup>no</sup>rs of the Massachusetts Bay that they would also take vpon them the gou<sup>n</sup>ment of the sajd province, in pursuance of that petition those who had the gou<sup>n</sup>ment of the sajd Bay, did from thenceforth take vpon them the gouernment of the sajd province, so as both the sajd S<sup>r</sup> Ferdinando, the petitioners father, & himself haue euer since beene there by deprived of the issues & proffitts of the sajd province. Now, in regard of the premisses, & forasmuch as those agents who were lately employed to addresse themselues vnto vs on the behalfe of the gou<sup>r</sup>no<sup>rs</sup> & inhabitants of the sajd Bay, being on that behalfe of the petitioners charged before our privy councill for vsurping the gouernment of the sajd province, did declare, that those whom they represented did not claime any title to, or interest in, the sajd province, but did only gouerne the same vntill orders from hence were sent ouer for the gouernment thereof, on the behalfe of the petitioner, vpon whose humble supplication wee are graciously pleased to referr the allegations aboue sajd to the consideration & examination of our councill, learned in the lawe, who haue made report vnto vs, that they haue considered thereof, & doe find that S<sup>r</sup> Ferdinando Gorges, aboue mentioned, in the fifteenth yeare of the reigne of our royall ffather, obteyned a grant to him & his heires, vnder the great scale of England, of a part of New England, in Americka, called by the name of the Province of Mejne, to be held as of the manno<sup>r</sup> of East Greenwich, vnder certeine rents & conditions in the letters patents expressed, and that it appeared by seuerall affidavits & certificats of credible persons that the sajd S<sup>r</sup> Ferdinando Gorges had the possession of the sajd province w<sup>th</sup>out any disturbance, & did gouerne the same, according to the directions of the sajd letters patents, for some yeares; expended aboue twenty thousand pounds in the plantation thereof; that when he had made such progresse in the sajd plantation as that he expected to reape some proffit & advantage thereby, the vnhappy warrs breaking out in England, S<sup>r</sup> Ferdinando Gorges was in actuall service in the sajd warrs for our royall father, by reason whereof he was a great sufferer, plundered & imprisoned seuerall times, and thereby disabled from any further expences in carrying on the sajd plantation, the rather for that he was so discouraged & discountenanced by the then pretended comissioners for forreigne plantations, as that his comissioners were forced to come from the sajd plantation, & so lost the

possession; & the inhabitants thereof petitioned the Gouverno<sup>r</sup> of the Massachusetts, or Bay, of Boston, to take them vnder their gouernment, which accordingly they did, & haue continued vnder their gouernment ever since. And the petitioners comissioners, since our restauration, haue endeavored to take possession of the sajd province for the petitioner, (being heire to his grandfather,) & proclejmed <sup>^</sup> vs, begann to hold Courts as formerly, & to administer the oathes of allegiance & supremacy, but were disturbed & hindered therein by the sajd Gouverno<sup>r</sup>s of the Massachusetts, or Bay, of Boston, who required the comissioners to proceed no further on the behalfe of the petitioner vntill they had order from the supreame authority of England, \*& vntill which time they comāded the inhabitants of that province to continue vnder their gouernment. Wee haue taken the whole matter into our princely consideration, & finding the petiōners allegations & the report of our sajd council learned so consonant, wee haue thought fit to signify our pleasure on the behalfe of the sajd Ferdinando Gorges, the petitioner hereby requiring yow that yow forthwith make restitution of the sajd province vnto him or his comissioners, & deliuer him or them the quiet & peaceable possession thereof, or otherwise that, w<sup>th</sup>out delay, yow shew vs reason for the contrary; & so wee bid yow farewell. Given at our court at Whitehall, the 11<sup>th</sup> day of June, 1664, in the sixteenth yeare of our reigne.

By his maj<sup>ty</sup> comānd,

WILL: MORRICE.

(& was sup<sup>r</sup>scribed,)

To our trusty & well beloued the Gouverno<sup>r</sup> of the Massachusetts colony & councill of New England.

That this is a true copie, compard w<sup>th</sup> the originall on file.

Attests

EDW: RAWSON, Secre<sup>t</sup>.

Att a Generall Court, held at Boston, 3<sup>d</sup> May, 1665.

This Court, taking into consideration the distracted condition of the people of the county of Yorkshire, occasioned by some persons presuming to clajme & excercise gouernment amongst them by a pretended title, derived from Ferdinando Gorges, Esq<sup>re</sup>, and also whereas some *some* other persons sworne to the gouernment of the Massachusetts, & by the same entrusted in publick employ, haue neglected their trust & former obligations, to the great offence of this gouern<sup>ts</sup>, the Generall Court of the Massachusetts doe hereby declare to all the good people his majesties subjects of the sajd county of Yorkshire, that they will still extend their gouernment ouer them as formerly,

1665.

May session.

[\*534.]

His maj<sup>ty</sup>, on consideration of the whole, requires a surrendering vp of y<sup>e</sup> Province of Meyne to Ferdinando Gorges, Esq<sup>r</sup>, or his comissioner. Or y<sup>e</sup> reasons be rendered for y<sup>e</sup> contrary, &c.

Courts order requiring y<sup>e</sup> inhabitants of Yorks. to continue in his maj<sup>ty</sup> obedienc, M<sup>r</sup> Gorges pretended title notwithstanding.

1665. & that the County Court at Yorke shall be held at the time appointed, according to law & the custome of that county; and to that end doe hereby, in his majesties name, will & require all the inhabitants of that county to remajne in their duty & obedience to his majesty, in submitting to the authority of this Court, that the peace be duely preserved & kept amongst all his majesties good subjects there.

May session.

Requiring all officers to performe their duties in y<sup>e</sup>r places, &c.

Mr Peter Weare appointed recorder of Yorke in Mr Rishworth roome, in case, &c.

Courts resolution to send his maj<sup>ty</sup> their reasons for not surrendring, &c.

Copies of this order to be sent to each toun, there, &c.

Doe also, in his majesties name, require all & singular civil officers, of what place soeuer w<sup>th</sup>in the sajd county, duely & faithfully to excercise & performe their respectiue dutjes, w<sup>th</sup>out neglect of what belongs to each or any of their places; & if M<sup>r</sup> Edward Rishworth, the recorder of the sajd county, neglect or refuse his duty herein, this Court doeth hereby depute & impower M<sup>r</sup> Peter Weare, of Yorke, to officiate in all things that belong to the place of recorder of that county in due & legall preparation of all cases referring to the sajd County Court at Yorke, & so to continue vntill that Court shall take further order therein, according to lawe & the custome of that county.

And, further, this Court doeth informe the people of that county, that they intend to returne to his majesty an account of the reasons why they haue not rendered the gouern<sup>mt</sup> of that county to the present agent or agents, or com<sup>is</sup>sioners of the sajd M<sup>r</sup> Gorge, and to that end, that his maj<sup>ty</sup> maybe fully informed, haue deliuered to his majesties hono<sup>ble</sup> com<sup>is</sup>sioners a map of their north bounds or l<sup>ine</sup>, which demonstrates the ground of their gouernment there, and that they intend not to decline their care ouer them, not doubting but what we shall present to his majesty will give him full satisfaction concerning the justnes of our clajme thereto. And for the better carrying an end of the gouernment abouesajd, M<sup>r</sup> Ezekiel Knight, of Wells, shall & hereby is empowered to act as any one magistrate may doe during the pleasure of this Court.

And further, it is also ordered, that the secretary drawe coppies of this order, to be speedily conveyed to M<sup>r</sup> Peter Weare, aforesajd, who is required forthwith to send each toun in that county one copie, & cause the same to be duely published. And it is hereby further ordered, that on publication of the order aboue written at a generall toun meeting, warned for that end, in case the sajd Edward Rishworth shall refuse to come there, or being there shall not j<sup>me</sup>diately engage himself to officiate as recorder for that county, as formerly he did before his late revolting from this gouernment, that then the sajd Edward Rishworth, by warrant in his majesties name from the sajd Peter Weare, estated recorder for the sajd county, be required to appeare before the next County Court appointed to be held at Yorke, & there deliuer vp all the bookes of reccords, w<sup>th</sup> all other reccords & euidences in his hands to that county belonging, into \*the hands of Peter Weare, recorder aforesajd, at his

perrill; & for that end the County Court at Yorke is hereby required & impowred, by all effectualle wajes & meanes, to cause the order of this Court in all such respects to be performed.

1665.

May session.

County Court  
at Yorke to see  
y<sup>e</sup> order in all  
respects to be  
performed

That this is a true copie of the Courts order, taken out of the Courts booke of reccords,

Attests EDW: RAWSON, Secreſ.

Att a councill called by the Gouverno<sup>r</sup>, Cap<sup>t</sup> Gookins, M<sup>r</sup> Russell, & M<sup>r</sup> Lusher, & held at Boston, 30<sup>th</sup> of Nouember, 1664.

In answer to a letter directed to the Gouverno<sup>r</sup> & councill from Henry Jocelin, Esq<sup>p</sup>, M<sup>r</sup> John Archdale, M<sup>r</sup> Robert Jourdan, M<sup>r</sup> Edward Rishworth, &c, on the behalfe of Ferdinando Gorges, Esq<sup>p</sup>, for the surrender of the Province of Mejne to the sajd M<sup>r</sup> Gorges, or his comiſſioners, according to his maj<sup>ty</sup>s pleasure, signified in his letter bearing date the 11<sup>th</sup> of June, 1664.

Councils act  
as ans<sup>r</sup> to M.  
Jocelin, Arch  
dale, Jourdan,  
&c, demand to  
surrender, &c,  
y<sup>e</sup> province of  
Mejne, &c.

The councill assembled doe declare, that the lands conteyned in the county of Yorke, by them called the Province of Meyne, were & are clajmed as part of the patent granted to the Massachuset, which patent preceds the patent granted to S<sup>r</sup> Ferdinando Gorges, & therefore the councill may not give vp the interest of the colony w<sup>th</sup>out the consent of the Generall Court, who, wee doubt not, will be ready to attend his majestjes order in taking their first oppertunity to give his majesty their reasons for their so clajming. And further, the councill doe declare, that they haue good reason to beleive that his majesty haue been misinformed concerning this matter, & that our messengers to his majesty haue been misrepresented or mistaken, wee haue neuer vnderstood from them any such concessions as are related to be made by them, nor were they comiſſionated to act therein.

Referring to a  
full ans<sup>r</sup> by y<sup>e</sup>  
Gen<sup>l</sup>l Court,  
&c.

& y<sup>t</sup> y<sup>e</sup> haue  
reason to be-  
leive his maj<sup>ty</sup>  
hath been mis-  
informed.

& our messen-  
gers misrepres-  
ented.

And doe also further declare, that no comiſſioners ought to excercise any gouernment in Yorkshire, or Province of Mejne, so called, by virtue of any comiſſion from M<sup>r</sup> Gorges, nor any the inhabitants yeild obedience, countenance, or asistance to any such comiſſioners, but ought to continue in their subjection to the Massachuset, according to the present establishment of gouernment amongst them. His majesty having declared his pleasure that the Massachuset colony shall haue liberty to vindicate their right by rendring his maiestje the reasons of their clajme before any absolute jnjunction of their surrender, the æquity whereof some of the principall inhabitants of the sajd place haue before conceded vnto, as may appeare by their articles by them signed; and therefore, if any evill & inconvenience shall fall out by the interposition or interruption of any the aboue sajd comiſſioners, they must

Declaring y<sup>t</sup> no  
comiſſioners  
ought to excer-  
cise gou<sup>r</sup>m<sup>t</sup> in  
Yorshire.

But all ought  
to continue in  
their obedi-  
ence.

His maj<sup>ty</sup> giu-  
ing liberty to  
y<sup>e</sup> Massachu-  
s<sup>s</sup> to vindicat  
y<sup>e</sup>ir right by  
rendring their  
reasons, &c.

1665. be accounted the authors thereof, & be accountable to his majesty for the same.

May session.

That this is a true copie of y<sup>e</sup> act of the council being therewith compared.

Attest,

EDWARD RAWSON, Secre<sup>t</sup>.

Att a Generall Court, held at Boston, in New England, y<sup>e</sup> 3<sup>d</sup> of May, 1665.

Courts comiſſion to Sam. Symonds &

Tho. Danforth, Esq<sup>r</sup>, impow-  
ring them to  
keepe y<sup>e</sup> Coun-  
ty Court at  
Yorke, &c.

To remoove all  
obstru<sup>c</sup>ions,  
&c.

To Samuel Symonds & Thomas Danforth, Esq<sup>rs</sup>:—

Yow are, in his majesties name, hereby authorized & required to repaire to Yorke, in the county toune of Yorkshire, & there to keepe a County Court, according as the law directs; & in case you meete w<sup>th</sup> any person or persons, vnder the pretence of any other authority whatsoever, giving yow any obstru<sup>c</sup>ion as to keeping his majesties Court there, that yow call before you all such persons, & proceed w<sup>th</sup> them according to your discretion for the bringing them to a due trjall, or to sentence them as the merrit of their offences shall require, according to his majesties lawes in this jurisdiction.

To establish &  
confirme all of-  
ficers.

Further, yow are authorized & hereby comiſſionated to establish & confirme all officers & comiſſioners, civill & miletary, according to lawe, as yow shall judge meete for the setling & preserving of order & peace in the sajd county of Yorke.

To settle peace,  
&c.

And, for the better enabling of yow to effect the same, yow are hereby authorized, from the date of these presents, to act & doe all such things preparitory to the keeping of Courts, & setling peace in the sajd county, as the

[\*536.] lawe & custome of this \*jurisdiction doeth direct.

For w<sup>th</sup> ends all  
officers & in-  
habitants re-  
quired to ayd  
& assist them,  
&c.

And all officers, civil & miletary, w<sup>th</sup>in this jurisdiction, & all other inhabitants, are hereby required to be asistant vnto yow, as the matter shall require & you doe order; and what yow shall doe in pursuance of this comiſſion, yow are to render an accompt thereof to this Court, at the sessions of this Court in October next. In testimony whereof, this Court hath caused the scale of the colony to be affixed hereto, & signed by the Gouverno<sup>r</sup>.

Dated 3<sup>d</sup> May, 1665.

By the Court.

EDW: RAWSON, Secre<sup>t</sup>.

A continuation  
of a narrative  
of y<sup>e</sup> acts of 3  
of his maj<sup>ty</sup>  
comiſſioners.  
After refusall  
to treat any  
further, &c.

Here followes a continuation of S<sup>r</sup> Robert Carr, Kn<sup>t</sup>, George Cartwright, & Samu<sup>e</sup>ll Mau<sup>e</sup>rick, Esq<sup>rs</sup>, acts to the eastward, after Colonell Nicolls & themselues had concluded & declared, vnder their hands, that they would loose no more of their labours vpon us, &c. 24 May, 1665.

After their refusall further to treat w<sup>th</sup> the Court, slighting our tenders

to give them an account of the reasons of our clajme to the extent of our northerly bounds, as may appeare in the narratiue page, —

They then travailed through the seuerall tounes on the sea coast about one hundred miles, applying themselues to sundry discontented persons as they apphended might best conduce to their purposes ; & when they came into that part clajmed by the heires of S<sup>r</sup> Ferdinando Gorges, instead of giving an oppertunity to these partjes clayming patent right to plead the same, as they came to the seuerall tounes, they sumōned the people to meete together, made their oune proposalls to them, possessed them of their innēvitable ruine in case they continued vnder the Bay gouernment, declaring vs to be rebels & traytors, & that wee would be proceeded against accordingly, as also of the vnreasonablenes of the priuiledges granted against them to M<sup>r</sup> Gorges by his patent, affirming them to bee to great for any subject, & manifested their readiness to be serviceable to the people there, for keeping them from the clajmes of both the Bay & M<sup>r</sup> Gorges, thereby obteyning from sundry of them subscriptions to a petition to his majesty for that end, many of the poore people being so frighted & amazed by their threats & reproaches, that they did not well know what they did, as some of them haue since confessed ; & others of them ayming to be freed from restraint in their licentious practises by the gouernment vnder which they are ; & most of them being in much debt, & worth litle or nothing, that they might haue some respit from the lash of their credito<sup>r</sup>s ; & sundry that would not comply, they threatned them to returne their names to the king ; but they better vnderstanding their way then the vnder sort, refused to abett any such disorderly proceedings ; yet, looking vpon themselues & theirs to be vtterly ruined by their designes, are now seeking how they may remoove themselues & estates from thence as fast as they can.

In this manner obteyning a petition, they then passed an act for enervating the authority of both the clayming partjes, a copie whereof heere ffoloweth : —

By the kings comissioners for settling the affaires in New England.

Wee hauing seene the seuerall charters granted to S<sup>r</sup> Ferdinando Gorges, & to the corporation of the Massachusetts Bay, & hauing receaved seuerall petitions from the inhabitants of the Province of Meyne, which is lajd clajme vnto both by the heires of the sajd S<sup>r</sup> Ferdinando Gorges & the sajd corporation, in which petitions they desire to be taken into his majestjes imēdia<sup>t</sup> protection & gouernment ; & having considered that it would be of ill consequence if the inhabitants of this province should be seduced by those of the Massa-

1665.

May session.  
They trauaile thro<sup>u</sup> y<sup>e</sup> country to y<sup>e</sup> eastward.  
Applying themselves to discontented persons, &c.  
Summon y<sup>e</sup> people together.  
Making y<sup>e</sup>ir oune proposalls, possess y<sup>e</sup> people of y<sup>e</sup>ir inevitable ruine if they continued vnder y<sup>e</sup> Bay, &c, declaring y<sup>e</sup> Massachusetts<sup>4</sup> traitors.  
The people, thus afrighted, joyne in petitions to his maj<sup>ty</sup>, &c.  
Such as refuse to petition threat<sup>d</sup> to haue their names returned.  
Diuers refuse to abett such disorderly practises.  
Hau<sup>e</sup> so obteyned a petition, pass an act to enervat y<sup>e</sup> Massachusetts & M<sup>r</sup> Gorges authority, &c.  
Proceed to render y<sup>e</sup> Massachusettses in a most lamentable condition, &c.  
Loading them w<sup>th</sup> reproaches, &c.

1665.

May session.

Make their  
pretences a  
ground of their

[\*537.]

reception of y<sup>e</sup>  
inhabitants un-  
der his maj<sup>ty</sup>  
obedienc to  
free y<sup>m</sup> from  
contests.

Comissionat-  
ing & impow-  
ring sevl. of y<sup>e</sup>  
inhabitants as  
justices of y<sup>e</sup>  
peace there,  
&c.

chusetts Bay, who haue already, by sound of trumpet, denjed to submitt them selues vnto his majestjes authority, which, by comission vnder his great seale of England, he hath beene pleased to entrust vs w<sup>th</sup> looking vpon themselues as the supream power in these parts, contrary to their allegiance, & derogatory to his majestjes soueraignty; & being desirous that the inhabitants of this province may be at peace among themselues, & free from the \*contests of others, & the inconveniencjes w<sup>ch</sup> thence must necessarily ensue, to the end they may be so, wee, by the power given us by his sacred majestje vnder the great seale of England, doe by these presents receive all his majestjes good subjects living w<sup>th</sup>in the Prouince of Meyne into his majestjes more jmediate protection & gouernment, & by the same power, & to the end this province maybe well gouerned, wee doe hereby nominate & constitute M<sup>r</sup> Francis Champernoone & M<sup>r</sup> Robert Cutt, of Kittery; M<sup>r</sup> Edward Johnson & M<sup>r</sup> Edward Rishworth, of Yorke; M<sup>r</sup> Samuell Wheelwright, of Wells; M<sup>r</sup> Francis Hooke & M<sup>r</sup> Willjam Phillips, of Saco; M<sup>r</sup> George Munjoy, of Casco; M<sup>r</sup> Henry Joceljn, of Blacke Point; M<sup>r</sup> Robert Jordan, of Richmond Island, & M<sup>r</sup> John Wincoll, of Newigewannacke, justices of the peace.

And wee desire, & in his majestjes name require them, & euery of them, to execcute the office of a justice of the peace w<sup>th</sup>in the Province of Meyne; and wee hereby authorize & empower M<sup>r</sup> Henry Jocelyn & M<sup>r</sup> Edward Rishworth, recorder, or either of them, to administer the oath vnder written, which themselues haue taken before vs, to all the forenamed gentlemen who haue not taken it, before they shall act as justices of the peace.

To heare & de-  
termine all  
causes, &c.

And wee hereby giue power & authority to any three or more of the about named justices of the peace to meete at convenient times & places, as heretofore other magistrates haue mett, or as they shall see most convenient, & there to heare & determine all causes, both civil & criminall, to order all the affaires of this sajd providence for the peace, safety, & defence thereof, proceeding in all cases according to the lawes of England as neere as maybe, & thus to doe vntill his majesty will please to appoint another gouernment.

According to  
the lawes of  
England.

Comāding all  
y<sup>e</sup> inhabitants  
to yeild obedi-  
enc to y<sup>m</sup>, &c.  
Forbidding M<sup>r</sup>  
Gorges comis.,  
and y<sup>e</sup> Massa-  
chusetts to ex-  
ercise any au-  
thority there,  
&c.

And in his majestjes name wee require & comānd all the inhabitants of this province to yeild obedience to the sajd justices actings, according to the lawes of England, as neere as may be; and in his majestjes name wee forbid as well the comissioners of M<sup>r</sup> Gorges as the corporation of the Massachusetts Bay to molest any of the inhabitants of this province w<sup>th</sup> their pretences, or to execute any authority w<sup>th</sup>in this province, vntill his majestjes pleasure be further knoune, by virtue of their pretended rights. Given vnder our hands & seales at Yorke, w<sup>th</sup>in the sajd province, the twenty third day of June, in the seventeenth yeare of the reigne of our soueraigne lord Charles the Second,

by the grace of God King of England, Scotland, Fraunce, & Ireland, in the  
yeare of our Lord God 1665. 1665.

May session.

ROBERT CARR, & a seale.

GEORGE CARTWRIGHT, & a seale.

SAMUEL MAURICKE, & a seale.

Wee also desire all who lay clajme to any land in this province by patent,  
to haue them forthcoming by this time twelve month.

Yow shall sweare that, as justices of the peace in the Province of Meyne, you shall doe æquall right to the poore & rich, after the lawes & customes of England, according to your cunning witt & power, & yow shall not be of any quarrell hanging before yow; yow shall not let for guift or other cause, but well & truly yow shall doe your office of justice of peace. So help yow God.

Justices of  
peace, their  
oath, &c.

ROBERT CARR,

GEORGE CARTWRIGHT,

SAMUELL MAURICKE.

A true copie of this comission & oath aboue written, transcribed out of the originall, & therewith compared this 4<sup>th</sup> day of June, 1665.

¶ EDW: RISHWORTH, Recoñ.

Surely it was  
intended y<sup>e</sup>  
24<sup>th</sup> or 4 July,  
in w<sup>ch</sup> act of y<sup>e</sup>  
comission's it  
is considerable.

In this act of theirs, (besides other particulars that are obvious to the reader,) wee shall jntreate that there may be considered, —

1. The grounds on which they make it, & how vastly different they are from his majestjes instructions to them.

Their artifice  
in waving  
patent right &  
grounding y<sup>e</sup>r  
proceedings on  
y<sup>e</sup> desire of a  
few mal con-  
tents.

For whereas his majesty expresly chargeth them not to violate patent right, they can find an artifice to waue the right by patent, & ground their proceedings on the desire of a few malcontents. In Jobs time it was \*ac- counted the part of a day<sup>e</sup> man to make peace among men by laying his hand on both, & the wisdom of King Solomon appeared in giving the child to its oune mother; but these gentlemen haue found out a third expedient that hath no rojall warrant from God or man.

[\*538.]


Finding out an  
expedient w<sup>th</sup>-  
out warr<sup>t</sup> from  
God or man.

2. His majesty expresly chargeth them not to jnterupt the course of justice, but leaue the same to the proceedings in ordinary Courts; but these gentlemen, as they began in obstructing the sentence of justice passed against that notorious offender John Porter, & became his protector in his rebelljon against his naturall parents, so now they proceed to violate a Court of justice, & to discharge a whole county from their oathes, whereby they had sworne obedience to his majestjes authority, according to the constitution of his royall

Making in-  
roads on his  
authority here  
contrary to his  
maj<sup>ty</sup> comand.  
Discharging  
a whole county  
from their  
oaths, &c.

1665.

May session.

Raising y<sup>e</sup>  
militia y<sup>e</sup>r to  
attend y<sup>e</sup>r  
motions. 

Copie of S<sup>r</sup>  
Rob<sup>t</sup> Carrs  
warr<sup>t</sup> for y<sup>e</sup> end.

charter ; & when the magistrates doe appeare to keepe the Court after the wonted custome, the trayned band of the county toune is by them sumoned to meete together in armes to attend their motions, their followers giving it out that the magistrates should be imprisoned.

A copie of which warrant heere followeth : —

Cap<sup>t</sup> John Davis, or, in his absence, to the next officer: In his majestjes name you are required to give notice to your company that, w<sup>th</sup>out faile, they doe appeare in armes on Tuesday morning next, in the feild where they vsually meete, there to attend further order. Given vnder my hand 2 July, 1665.

ROBERT CARR.

His maj<sup>ty</sup> ap-  
points Colo.  
Nicholls to be  
always one;  
but now.

His majesty in their comission saith, that Colonell Richard Niccolls in all their actings shall alwayes be one, at least if there be but two ; but here one of them can be bold in his majestjes name to rajse the militia of the shire toune against his majestjes authority here settled, w<sup>th</sup>out the consent of Colonel Niccolls, or the concurrence of the other two, & in all this acting a matter directly contrary to his majestjes charge vnto them.

Their actings  
repugn<sup>t</sup> to his  
maj<sup>ty</sup> gracious  
intenc<sup>o</sup>., &c.

May wee intreat the consideration of the effect of these their actings, the repugnancy thereof to his majestjes princely & gracious intentions in betrusting them w<sup>th</sup> such a comission.

W<sup>ch</sup> was to re-  
lieue y<sup>e</sup> op-  
ressed, settle  
peace, &c.

Whereas his gracious end is declared to be the releiving of the oppressed & settling of peace & good agreement among his subjects here in these parts of his dominions, by the mutuall agreement of partjes concerned, furthered therevnto by their asistants, or in defect thereof by a representation of the pleas of both partjes to his royall self. But these gentlemen are so farr from helping forward to so good an issue, that they will not so much as admitt either party to plead their oune case, but, as at Pawcatucke & in the Narraganset country, they dealt w<sup>th</sup> particcular persons, turning them out of their propriety, contrary to the knoune rules of lawe & æquity, so here they proceed, instead of hearing the matter of right, by reproaching & vilifying his maj<sup>ty</sup>s authority here settled, & his good subjects to take of a whole county from their subjection, which by their oathes they stand obleiged vnto.

But instead  
y<sup>e</sup>reof.

They proceed  
to heare & de-  
termine differ-  
ences ab<sup>t</sup> rights  
of patents &  
goū<sup>n</sup><sup>ts</sup>, w<sup>th</sup>out  
hearing y<sup>e</sup> par-  
tjes, &c.

His maj<sup>ty</sup> ajme  
to encourage  
virtue, piety,  
& honesty, &c.  
But instead  
thereof, they  
disturbe an or-  
derly goū<sup>n</sup><sup>t</sup>,  
&c.

His majestjes royall ajme & intention is, by their asistance, to encourage virtue, piety, & honesty in all his subjects heere, for the hono<sup>r</sup> of God, his maj<sup>ty</sup>s throane, & the English nation.

But these gentlemen, where they found his majestjes subjects under an orderly gouernment, allowed by his majestjes charter, encouraged by his royall

letters, the only walls of defence against the deluge of licentious practises, & of protection to his subjects ag<sup>t</sup> all acts of violence, they haue, w<sup>th</sup>out warrant from his majesty, or any other just reason by them given, violated the same. And although they haue carried the matter couertly, yet they cannot so hide it but that the people of that place where they haue thus acted doe say, that they doe perceiue that these gentlemen doe aime more to haue other mens just rights for themselues then to be instrumentall to the peace or the settlement of the same vpon the right ouners thereof.

1665.

May session.  
Y<sup>e</sup> peoples ap<sup>t</sup>  
hencon of y<sup>es</sup>  
things.

\*To the high & hono<sup>r</sup>ble Court of Co<sup>m</sup>missioners, appointed by the kings [539.]  
majestje as the supreame authority in these parts of America called New  
England, w<sup>th</sup> other places adjacent.

The humble petition of Samu<sup>e</sup>ll Gorton, Randall Houlden, John Weekes,  
& John Greene, in behalfe of themselues & others,

Humbly sheweth, —

That whereas your humble petitioners haue been euilly intreated by diuers of our country men in these parts, especially by them of the Massachusetts, w<sup>th</sup>out any fault of ours that wee know or can be made to appeare, only they tooke offence that wee could not close w<sup>th</sup> them in their church orders, neither could wee close w<sup>th</sup> their civil course in diuers respects, as to execute the lawes in their oune names, not expressing the name & authoritje of the king; as also swearing men to fidelity in like sort, not admitting appeales to his majestje in any case, & excercising their power beyond their jurisdiction & bounds, whereto the king had limited them, as sole lords of the whole country, yo<sup>r</sup> humble petitioners hauing remoued themselues out of all their jurisdiction by purchasing a tract of land, where wee now liue. When they had preached vs in their pulpitts to be grosse hæreticks & men not worthy to liue vpon the earth, to prepare their people to judge vs worthy of death, then they sent out against us one Captaine George Cooke & his lefteñt, Humphrey Atharton, co<sup>m</sup>missionated, w<sup>th</sup> a band of souldjers, that if wee would not relinquish our religion, which wee had learned in our constant attending the publicke assembljes in our oune native country, or else to put vs to the sword, whom your petitioners resisted for a time only defenciuely. At last, vpon hono<sup>r</sup>ble termes, wee concluded to goe w<sup>th</sup> them into the Massachusetts, to see what all the country could alleage against vs, at the Generall Court, which was then in being; but the captaine, being entertained in a way of freindship, w<sup>th</sup> his leifteñt & souldjers, into our hold, when they sawe how few men wee were, falsifying their couenant, they seized vpon us as captives, & carried vs all as slaues into the Massachusetts; & when wee came before the Gou<sup>r</sup>no<sup>r</sup>, M<sup>r</sup>

Copie of Sam.  
Gorton, Ran-  
dall Houlden,  
John Wickes,  
& Jn<sup>o</sup> Greens  
peti<sup>ti</sup>on to his  
maj<sup>ty</sup>s co<sup>m</sup>is-  
sioners.

In w<sup>ch</sup> y<sup>ey</sup>  
complain<sup>e</sup> y<sup>t</sup>  
they haue bene  
euilly intrated  
by y<sup>e</sup> Massa-  
chus<sup>ts</sup>, w<sup>th</sup>out  
fault, vnless for  
y<sup>t</sup> y<sup>e</sup> could not  
close w<sup>th</sup> their  
ecl<sup>es</sup>. & ciuill  
go<sup>u</sup>rn<sup>t</sup>, &c.

Excercising y<sup>e</sup>  
power as sole  
lords of y<sup>e</sup>  
land.

Co<sup>m</sup>missionat-  
ing Cap<sup>t</sup>  
Cooke, &c., un-  
less they would  
relinquish their  
religion, &c., to  
put y<sup>e</sup>m to y<sup>e</sup>  
sword, &c.

Whom they  
resisted for a  
time, &c.

But at last  
yeilding in a  
way of freind-  
ship, were  
made captives,  
&c., brought to  
Boston, & tried  
on their liues,  
&c.

1665.

May session.

Narrowly escaping.  
Confined to seu<sup>ll</sup> townes.

Released on banishment, &c.  
About 80 head of their cattell.  
Besides w<sup>t</sup> y<sup>e</sup> souldiery, &c., spent there.

[\*540.] Their houses & necessaries exposed as pillage for their souldiers, &c.  
Majnteyning Indians on y<sup>e</sup>r lands, &c., who burn y<sup>e</sup>r wood, kill y<sup>e</sup>r cattell, &c., as they say, &c.

Their request y<sup>t</sup> some speedy course be taken for redresse, &c.

Winthrop, wee told him how the captaine had wronged vs. He answered vs, whateuer the captaine said, it was his intent to haue us captiues, & thereupon sent vs to the comon goale, where wee liued at our oune charge as long as what money wee had lasted, & then were put to grinde at the mill, prepared in the prison for that purpose, for the prisons poore allowance; & when they had trjed vs vpon life & death, denying our appeale to the king, & could finde nothing wherein wee were guilty, & that in a priuā Court where none was permitted to heare but majestates & ministers, who before had resolved vpon our death in case wee could not falsify our faith to God & the king, & when they had put it to the majo<sup>r</sup> vote whither yo<sup>r</sup> petitioners should liue or dye, our liues escaping by two votes, then they confined vs to seuerall places in the colony where the magistrates liued, w<sup>th</sup> charge not to speake of any thing about which wee had beene tryed, vnless to some elder or one licensed vnder a magistrates hand to discourse w<sup>th</sup> vs, & to keepe our confinement, & this charge vnder paine of death; the contrary prooued before a magistrate, wee were to dye w<sup>th</sup>out further trjall, putting bolts & chajns vpon vs, & to worke for our liuing; & so wee continued a whole winter season. Afterwards they released us by banishment out of all their jurisdiction, & from our oune lands, layfully purchased, where wee now liue, & that vpon paine of death. The number of great cattell which they tooke from vs was about fowerscore head, which vpon rationall account, according to ordinary increase since that time, will amount to diuers thousands of pounds, as hath been trjed in a smale parcell privately taken at that time by some of their subjects in this colony w<sup>th</sup>out any comission from them, & were accordingly cast at lawe vpon the ground of comon increase. The rest of our catle they liued vpon in the time of their beseiging of us, having many of their Indians joyned w<sup>th</sup> them against vs, leaving our houses & necessaries \*in them as pillage for their subjects, both Indians & English, in this colony, whom they had draune away from the Naragansets sachems & this gouernment to become their subjects & instruments to worke their wills vpon vs, & vnder the falsity & irregularity of the subjection of those revolting people, they haue majnteyned the Indians vpon our lands vnto this day, planting our best ground, burning vp our wood, killing our cattell, pilfering & purloyning our goods, breaking open our houses, offering violence to the inhabitants, resisting the kings officers violently & riotuously, & wee cann haue no redresse, although it be contrary to order given concerning vs by the Lords & Comons, in the High Court of Parljamēt, to all the colonjes & gouernments about vs, which orders your petitioners haue to shew.

Your petitioners therefore humbly pray, that yow will please to take our

distresses into your hono<sup>r</sup>s breasts, so as some speedy course may be taken for redresse, & that some responsible & correspondent satisfaction may be made, as your hono<sup>r</sup>s shall thinke meete & convenient, according to the rules of justice & æquity; and your petitioners shall become most humble & earnest suito<sup>r</sup>s & petitioners to Almighty God on your behalfe so long as we are.

SAMUEL GORTON,  
JOHN WICKES,  
RANDALL HOLDEN,  
JOHN GREENE.

March the 4<sup>th</sup>,  $\frac{64}{65}$ .

1665.

May session.

An apollogetticall reply to an invective petition exhibbited to his majestjes hon<sup>rb</sup>le co<sup>m</sup>missioners by Samu<sup>e</sup>ll Gorton, Randall Holden, John Wickes, John Greene, &c, bearing date March the 4<sup>th</sup>, 1664-5.

Courts apollogetticall reply to M<sup>r</sup> Gorton, &c, scandalous peti<sup>c</sup>ion, &c.

Humbly tendered,

By the Generall Court of his maj<sup>ty</sup>s colony of the Massachusetts in New England. This Court having been advertised by their co<sup>m</sup>ittee chosen & empowered humbly to treat w<sup>th</sup> his majestjes hono<sup>r</sup>ble co<sup>m</sup>missioners, viva voce, & to make report of their proposalls.

That the said co<sup>m</sup>missioners did vrge a necessity of a recognizance of some particcular cases grounded vpon seuerall complaints exhibbited to them by diuers of his majestjes subjects in these parts; & in particcular by Samu<sup>e</sup>ll Gorton, Randall Holden, John Wickes, & John Greene, & diuers others of the inhabitants of Warwicke, applying themselues by way of petition vnto his majestjes hono<sup>r</sup>able co<sup>m</sup>missioners, as aforesajd, for redresse, & vpon pervsall of a copie of the said petition, perceaving it to be the majne designe of the petitioners to abuse his majestjes grace & favour, & by misrepresentations, if it had beene possible, to prostrate his credit to the beleife of that which is not to be beleived, his princely wisdome putting him beyond a capacijte of such abuses; as also to give vnto his maj<sup>ties</sup> hono<sup>r</sup>able co<sup>m</sup>missioners & this Court much needless trouble, by a tædious recollection of antiquated matters, & an ingratefull investigation into the ruines of time after things hard to be found, if not lost, by the many revolutions of this generation, which is almost past away since that transaction; therefore wee haue accounted it our duty to God in order to the vindication of his glory, our duty to his majesty in order to his satisfaction & the preservation of his hono<sup>r</sup>, by the maintenance of his authority, which by his royall charter he hath betru<sup>st</sup>ed this Court w<sup>th</sup>all, to be improoved for the preservation of the peace, & promotion of the publicke weale of his

Petitioners majne designe to abuse his maj<sup>ty</sup>, &c, by misrepresentations, &c.

The Court, out of y<sup>e</sup>r duty to God for y<sup>e</sup> vindicating his glory, & duty to his maj<sup>ty</sup> for his satisfaction & preservation of his hono<sup>r</sup>, & maintenanc of authority, &c, & y<sup>e</sup> they might purge y<sup>e</sup> colony from those foule aspersions, take y<sup>e</sup>m<sup>se</sup>lues bound to tend<sup>r</sup> y<sup>e</sup> reply.

1665.

May session.

majestjes good subjects of this colony, as also that wee may purge the gouernment from those foule imputations of disloyalty, which by that petition they haue asperst it w<sup>th</sup>all. Wee say wee are bound by an obligation to God, our king, & our country, humbly to offer this reply to that petition, w<sup>ch</sup> wee shall en-deavo<sup>r</sup> by comparing the petitioners w<sup>th</sup> themselues; secondly, w<sup>th</sup> their principles; thirdly, w<sup>th</sup> the whole transaction.

Sam. Gorton,  
y<sup>e</sup> incendiary,  
first blowing  
up y<sup>e</sup> fier of  
contentions.

[\*541.]

Samuell Gorton, the person in whom the sparkes of that spirit of that malignity first kindled vnto the inflaming of the malignant passions of many other malcontented persons, which he blew vp to the blaze of contention, industriously adding fuell, which had its dangerous tendency to \*the vtter consumption of both our ciuill & ecclesiasticall constitutions, in whom principally wee suppose the same spirit hath beene cherished & kept alieue vnto this day; he seemes to be incapable of any other charracter but that which his demerits gives him, which he long since hath received the impression of by the presse in a booke printed & published, & presented to our superiors in our vindication, viz<sup>t</sup>: that he was a man whose spirit is starke drunke w<sup>th</sup> blasphemies & insolencjes, a corrupter of the truth, a disturber of the peace where euer he comes. This character he hath branded himself w<sup>th</sup>all, both by his words & actions, which doeth appeare by his oune letters to this gouernment, & the letters of others concerning him, long since exhibbitted to the vejw of the world in that foresajd booke. The pœnaltje inflicted for his intollerable insolencjes, turbulencjes, & hæterodoxe in at least three of his majestjes colonjes in New England, doeth demonstrate him to be a man so vnruely as not fit to liue in civil or Christian socjety, he hauing been whipt in Plimouth patent, whipt & banished from Road Island, imprisoned & only banished out of the Massachusetts, hauing before also endangered the ruine of another new plantation, called Providence. Their lamentable complaints, their importunate crjes to the Massachusetts for help against him, doe appeare by their letters in print vnder their hands in the aforesajd booke, thence from M<sup>r</sup> Willjams, the then patriot of the place, who beginns in these words: ‘M<sup>r</sup> Gorton hauing fowly abused, high & lowe, at Aquednecke, is now bewitching & bemadding poore Providence;’ & the other letter beginns thvs: ‘Wee, the inhabitants of the toune aboue sajd, hauing faire occasion, counting it meete & necessary to give yow a true intelligence of the insolent & riotuous carriages of Samuell Gorton, first pleading necessity, or to meintejne wife & family; but afterwards boldly to mainteyne licentious lusts like salvage brute beasts, they put no manner of difference betweene houses, goods, lands, wiues, liues, blood. If it may therefore please yow, of gentle curtesy, & for the preservation of humanity & mankind, to consider our condition, & lend your neighborly helping hand, &

His spirit, &c.,  
a corrupter of  
y<sup>e</sup> truth, &c.

A disturber of  
3 of his maj<sup>ty</sup>  
colonjes, &c.

His letters dis-  
couer him to be  
unfitt to liue in  
a Xtian socie-  
ty.

Whipt at Plim-  
outh, whipt &  
banisht from  
Road Island,  
imprisond in &  
banisht from y<sup>e</sup>  
Massachusetts.

Endangers y<sup>e</sup>  
ruine of Prov-  
idenc planta-  
tion.

His insolent &  
riotuous car-  
riage.

send us such assistance,' &c: thus the crjes, or rather the outcrjes, of poore oppressed Providence. Finally, when he had wearied out Plimouth, Road Island, & Providence, vnder pretence of purchase of land of an Indian prince, (not the proprietor, but an vsurper,) they tooke possession of a tract of land belonging of right to the Indians, where their carriages also were so insolent, that it was intollerable to the poore oppressed natives, who also were compelled to craue the ajde & protection of the Massachusetts. How inconsistent the conditions & dispositions of these persons are w<sup>th</sup> their present petitions, wherein they highly pretend to a conscientious seuerity in matters of religion, & insist vpon it as the only ground of offence, from whence these controuersies arose, & their tendernes of conscience the only delinquencje charged vpon them, wee humbly offer to consideration.

Secondly. Compare this petition w<sup>th</sup> their oune principles, sufficiently notorious to the world, not only by their oune publicke professions & practises, but also by the fore mentioned booke, & therein, —

First. Wee shall animadvert vpon their principles in religion, if wee may, w<sup>th</sup>out an abuse, make vse of the word religion, in the expression of, or in conjunction w<sup>th</sup>, their irreligious & blasphemous tenents, which they haue, by their words & writings, given large & vngratefull oppertunity vnto vs, to vnderstand if wee may suppose the dialect wherein those doctrines of devills are taught, rationally intelligible to any vnderstanding not acted by the same spirit of error; their very language being accomodated to the expressions of the deepest misterjes of iniquity, & to compose a systeeme of the most dangerous & daming hætrodoxies, consisting of all deceiveableness of vnrighteousnes, & so fitted to deceive, especially \*in such tjmes wherein the vengeance of God hath seized vpon the intellectualls of men, God out of his just judgment giving some men vp to beleue lyes, that they may be damned.

A breife collection of the principles of these men is taken out of their oune letters, printed in the foresajd booke, & in their oune words. Churches, they say, are devised platformes, & the wisdom of man is that which giues the whole being of churches & comon-wealth. Of ministers they say that, to make their call mediate, & not imediate, is to make a nullitje of Christ, to crucify Christ, to put him to open shame; & that such ministers are magicians; as also that sermons of Gods ministers are tales, lyes, & falshoods. Of Baptisme, 'Behold the vanity & abomination of your baptisme,' &c. The Lords supper they call it 'your dish<sup>t</sup> vp daintyes, turning the jujce of a silly grape, that perisheth, into the blood of Christ, by the cunning skill of your magicians, which doe make mad & druncke so many in the world.' Of repentance they affirme to this purpose, that, in a way of compunction & sorrow

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Oppressing  
Pomham & the  
natives w<sup>th</sup>  
him, &c, who  
craue y<sup>e</sup> Mas-  
sachusetts ayd  
ag<sup>t</sup> him &  
compa.

2. Compare y<sup>r</sup>ir  
petiçion w<sup>th</sup> y<sup>r</sup>  
principles, &c.

They<sup>be</sup> found  
farr from reli-  
gion, notori-  
ous for blas-  
phemious ten-  
ents, &c.

[\*542.]

Declaring  
churches to be  
devised platt-  
formes, y<sup>e</sup> wis-  
dome of man,  
&c.

Y<sup>e</sup> ministers  
are magicians.

Sermons of  
godly ministers  
tales, lyes, &c.  
Baptisme they  
call vanity, &c,  
the Lords sup-  
per disht vp  
daintjes, &c.

1665.

May session.  
To seek for  
consolation  
from Xt, y<sup>t</sup> is,  
y<sup>e</sup>y say, to  
make y<sup>e</sup> Sonne  
of God Beliall.  
Affirme Xt to  
be a picture,  
&c; minister  
wizards & nec-  
romancers,  
raying a shad-  
dow w<sup>th</sup>out a  
substance, &c.

Putting high  
indignity on y<sup>e</sup>  
sacred doctrine  
of y<sup>e</sup> churches  
of England,  
&c.

Men voyd of  
shame, &c.

Their princi-  
ples of inciuill  
ity appeare in  
their writings  
& words to y<sup>e</sup>  
Gou. & magist<sup>r</sup>  
of Massachu-  
setts.

for sinn, for a Christian to seeke for consolation from Christ, that this is to make the Sonne of God Beliall, & Signienis, the devill himself. Of our Lord Jesus Christ one of them most blasphemously sajd, in open Court, when asked what was that Christ which was borne of the Virgin Mary, & suffered vnder Pilate, that he was a semblance, picture, or shaddow of what was & is donne, actually & substantially, in Christians; therefore they sajd of ministers, that they are wizzards & necromancers, who rayse a shaddow w<sup>th</sup>out a substance, viz<sup>t</sup>, to make Christ to be slaine in types since the world beganne. They further affirmed, in open Court, that, as the image of God in Adam was Christ, (for God, they sajd, had but one jmage,) so that the losse of this jmage by man was the death of Christ. Oh, astonishing blasphemjes, the very thoughts of which cannot but surprise the heart of any sencible Christian with horror! They are indeed clouds w<sup>th</sup>out rajne, but clouds full of the most pæstiferous exhalations, exhaled from that mist which is risen out of the bottomless pitt, & condensed by their oune naturall corruptions, breaking forth in clapps & flashes of thundering & lightning passions; for it is observable, that, in all these transactions, they manage the weapons of the prince of darknes w<sup>th</sup> the vtmost expression of their malignity & enmity against churches, ordinances, magistrates, & ministers, & therefore wee may not feare also to say, ag<sup>t</sup> Gods glory. How inconsistent the principles of these men are in matters of religion w<sup>th</sup> this, wherein they pretend to be sufferers in & for the cause of religion, & that they were vrged to a relinquishing of their religion, — of that religion which they had learned in their constant attending on the publicke assembljes in our native country, — which also deserves an animaduersion that they should put such an indignity vpon the sound & wholesome doctrine of the churches of England as once to mention it in conjunction w<sup>th</sup> their damnable hæresjes, much more w<sup>th</sup> impudency to make vse of the doctrine of England to patronize their blasphemjes, especially after they had published the most of these blacke & darke doctrines, in their writings, to the world, & openly professed them, w<sup>th</sup> their mouthes, before many witnesses, it seemes to argue that they are men voyd of shame & feare.

Againe: they assert in their petition that they were likely to be tempted, vpon perrill of life, vpon pajne of death, to desert their faith to God, which what their faith was appeares by the premisses. Wee say againe, therefore, how inconsistent the principles of these men are in religion to this their petition, wee humbly offer to consideration.

2. Wee also state their principles in evils in comparison w<sup>th</sup> their petition. Their principles of civility, or rather incivility, they *they* haue largely expressed also, partly by their writings, partly by their words, to their Govern<sup>r</sup>

& magistrates of this his majesties colony, in the mannagement of that transaction. A collection of their reproachfull & reviling speeches hath been long since published to the world in the aforesaid booke. \*They were indeede so volible & voluminous in their raylings & revilings of Gouverno<sup>r</sup>, magistrates, & government, that, to epittomise their rayling accusations will suffice to demonstrat to the world what spirits they were influenced by. They scornfully called our magistrates letter to them an irregular noate ; they silyly called them the seed of the ancient mother, i. e., of the enmity of the divill ; that they delighted dayly to eate of the forbidden fruite ; they compared them to doggs, in reassuming their vomit into its former concoction ; by receiving Cole & Arnold vnder their protection, that they renounce & reject a Christ ; that they were so farr from yeilding subjection to Christ as Cole & Arnold were from being honorable & good subjects, whom they called the shame of religion, deboyst, rude, inhumane Naballs, illbread, apostatized, felonious persons, &c ; that the magistrates were Jewes in the flesh — stout mainteyners of the man of sinne ; that their profest cleomency & mercy was, as much as in them lay, to send soule & body to hell — Sheol, (the graue or hell,) — w<sup>th</sup>out redresse or hope of recouery ; that their wayes are wicked & to be abhord ; because of their professed course, the two witnesses are slayne by them ; that the light appearing among them was the light of Balaam, &c ; that the magistrates set vp Signien, which, as themselves interpret, is feare & horror or the divill, by which they hope to be saued ; they call the Generall Court the great Idoll Generall, whose pretended æquity of distributing justice is a meere device of man, according to the sleights of Sathan, & call them a generation of vipers ; they tell the Court that they are not a cup fitt for their appetite, but a cup of trembling, either to make them vomit vp their oune æternall shame, or els to make them burst asunder w<sup>th</sup> their ffellow confessor, Judas Iscariot. This is not aboue halfe the opprobrious speeches they then abused the Court w<sup>th</sup>all ; but this may suffice to demonstrate how much they were acted by that spirit ynto whom the angell sajd, ‘ The Lord rebuke thee.’ Neither may it be supposed that these barbarismes were extracted out of them by any vnjust provocation in the frenzie of passion ; & so that these expressions proceed only from a principle of enmitje against our magistrates & ministrie ; for when they were in the best capacitje to be treated w<sup>th</sup> civilitje, (if at all they were in such a capacity,) yet then they resolutely & deliberately majutejned the opinion of anarchie, allowing only a distribution of justice in the way of parity, by the fraternitje, w<sup>th</sup>out superiority or inferiority ; therefore, in open Court, they did seeme to condemne all the magistrates, because euery one did not sitt there to judge as a brother ; &, consequent-

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They scornfully call y<sup>e</sup> magist<sup>rs</sup> letter an irregular noate, them the seed of y<sup>e</sup> ancient mother, &c.

Call y<sup>e</sup> Generall Court y<sup>e</sup> great Idoll Gen<sup>l</sup>, &c.

A generation of vipers, &c.

Their too abhord principles proceed from a spirit of enmity, &c.

1665. ly, to be a choheire with Christ is a higher spheare then to be a civill officer.

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To sett vp men to be judges of good & euill, &c, they say, is reacting the ancient spirit of the serpent, &c.

2. They expressly affirmed that the office to minister justice belongs only to the Lord, (and that, therefore, from this instance Herod men make themselves gods, which themselves interpret to be only from the god of this world, &, therefore, flatt against God,) by ruling ouer the bodjes & estates of men; affirming that to set vp men to be judge of good & euill, for which all men are set vp in that kind, that this is reacting that ancient spirit of the serpent, 'If yee eate, yee shallbe as gods;' therefore say they, that to choose men honorable, wise, & of good report, &c, or els they may not rule, &c; this, they say, is of man by man, & a putting the second witnes to death, that is to say, the death or witnes of Christ, or, in plaine English, it is the killing of Christ.

& y<sup>t</sup> y<sup>t</sup> y<sup>t</sup> cann create & remooove officer & officers at y<sup>r</sup> pleasure are of y<sup>e</sup> diuill, &c.

3. They affirmed that they who cann create, make voyd, & remooove offices & officers at their pleasure are of that euill one, i. e., the diuill, & not of Jesus Christ, but of Shedim, that waster & destroyer of mankinde for euer, &c. They sajd that men destroyed the Holy One of Israell, &c, if men acknowledged that Christ rules on earth only by his deputjes, vicegerents, & leiftennants, that is, by persons invested w<sup>th</sup> civil authoritje & office: therefore they sajd againe, that none shall see Christ come into his kingdome w<sup>th</sup> comfort vntill the power & authority of man appeare to be as the building of Babell. They add further, that a man may as well be a slaue to his belly, & make that his god, as be a vassall to \*his oune species or kinde. That these are their principles as to matters of civill gouernment appeares by the extraction of their oune letters compared w<sup>th</sup> their speeches in Courts, also as it is to be seene in the aforesajd booke.

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They pretend the controfsy between y<sup>m</sup> & vs was our disloyalty; but y<sup>e</sup> designe is to trample on his maj<sup>ty</sup> authority here, &c.

Now, how inconsistent these principles are w<sup>th</sup> their petition, wherein they represent themselves as being then very much offended, & very deeply affected w<sup>th</sup> the least omission of formallitjes in the administration of justice, and as if one principle ground of the controuersy had beene our disloyalty, whereas it appeares that their principal designe was not only to trample vnderfoote his majestjes authority in this gouernment here established vpon his royall charter, but also express their despise to all dominion, & to speake of dignitjes as comon enemjes to all gouernment in church & comon wealth.

How likely y<sup>t</sup> y<sup>e</sup> men were to dye martirs to y<sup>e</sup> faith of God & y<sup>e</sup> king is not difficult to determine.

How likely these men were to dye martyrs to the faith of God & the king, which they pretend to, & how inconsistent (wee say againe) their principles were to this petition, wee humbly offer also to consideration. Again: wee also compare this petition with the whole transaction, in the examination of which, it is to be feared, that it will appeare that there is as litle of verity in

this their petition to his majestjes honorable comissioners, as there was of Christianity or civility in their letters & speeches to the Generall Court.

1665.

1. For, first, whereas they insinuate that they haue been evilly intreated of their countrymen, only in speciall hinting them of the Massachusetts, they charge his majesties good subjects in his other colonjes w<sup>th</sup> injury & injustice, whereby it appeares they were comon ennemjes to all his majestjes good subjects in other colonjes where they liued, & that the whole country was compelled to stand vpon their defence against them, as disturbers of the kings peace euery where.

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Lookt at as  
comon enemyes  
to all y<sup>e</sup> colo-  
njes.  
Y<sup>e</sup> whole coun-  
try compeld to  
stand on y<sup>r</sup>  
oune defence ag<sup>t</sup>  
y<sup>m</sup> as disturb-  
ers of the kings  
peace.

Whereas they doe boldly affirme that a non compljance w<sup>th</sup> vs of the Massachusetts in matters ecclesiasticall & civill was the only delinquency which they were charged w<sup>th</sup>all by this gouernment, asserting their oune innocency as to matter of fact, & waving any charge vpon that account, it is not to be beleiued, but to be rejected as a manifest vntrueth, & astonishing impudency to preface their petition w<sup>th</sup> such an inconsistency. The true state of the controuersy haue binn already printed in the foresajd booke, which appeares to be this: Samuel Gorton hauing, by his high affront which he had put vpon the gouernment of Plimouth, Road Island, & poore Providence, put himself out of a capacity vnto a civil correspondency w<sup>th</sup> any, either civil or ecclesiasticall, society in either of those colonjes. Having associated & assimilated twelue or fowerteene persons to himself, they now endeavo<sup>r</sup> to finde a place in the woods, where they might secure it themselues, & liue according to their oune principles of anarchy; & yet w<sup>th</sup>all that their vicinity might give them oppertunity to manage their oune malignity vnto the disturbance of the peace of their neighbo<sup>r</sup>s. To this end they treat w<sup>th</sup> a great sachem, Miantonomo, about the purchase of a tract of land which the saj<sup>d</sup> sachem pretended a title to, although it did indeed belong to another sachem, Pomham, who, partly awd by the great sachem, & partly betrayed by Gorton, set his hand to a writing, not knowing what he did, & vtterly refusing to take any pay of Gorton; notw<sup>th</sup>standing, the saj<sup>d</sup> Gorton tooke possession of the land, & beganne to excercise his former insolencjes more injuriously & more imperiously, both against English & Indians, then formerly; herevpon both English & Indjans make deplorable complaints to this gouernment, craue, yea, cry out for their protection against the saj<sup>d</sup> Gorton & his companjes violence.

They endeavo<sup>r</sup>  
to get & secure  
a place to y<sup>e</sup>-  
selves to liue  
according to  
their principles  
of anarchie, &c.

Make vse of  
Miantonomo to  
oppsse Pom-  
ham, & get his  
land from him,  
&c.

The Court sends for the aforesajd Indian sachems, & vpon examination finde, both by English & Indian testimony, that Miantonomo was only an vsurper, & had no title to the aforesajd land, & out of pittty receaved those two inferior sachems, their subjects & lands, to protect them, as also some of the English of Providence; herevpon the Court sent to Gorton, advising of

Miantonomo  
found to be an  
vsurper.  
Massachuset  
rec Pomham  
& Socoronoco  
in to protec-  
tion.

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Send to Gorton  
& compa. to  
come or send to  
make out his  
title to Pom-  
homs land.

They scorne  
the Courts let-  
ters, returne  
scoffs, &c.

After seſſall  
refusalls, y<sup>e</sup>  
Courts sends  
coſſiſſioners  
w<sup>th</sup> a guard to  
treat w<sup>th</sup> y<sup>m</sup>,  
&c.

They are forced  
to surrendr.

In transacting  
of y<sup>e</sup> matter  
they render  
y<sup>m</sup>selues guilty  
of horrid blas-  
phemies, &c.

him & his company either to come or send some persons to make out their title to the land which they possessed; offered them safe conduct. They scorned the Courts letters; returned scoffs & blasphemies. Some time after, the Court sent two of their owne members w<sup>th</sup> letters, to treat them civilly, & to perswade them to come, promising them safe conduct againe; but they entertained those messengers as they had done the former, threatening to whip one of them; yet, notwithstanding, a third time the Court sent commissioners to treat w<sup>th</sup> them, to heare their allegations, & to receive their answers, & to take satisfaction if tendered, & so leaue them in peace. Those commissioners were guarded with forty men, & in case they should persist in their obstinacy, had instructions to bring them by force. In the way, as our commissioners were going to them, they were mett w<sup>th</sup> diuers provoking, daring, domineering papers sent from them. The commissioners, arriving, make their proposalls. They standing vpon their defence, our commissioners forced them to surrender, & brought them away. This was the true & reall grounds of the Courts proceedings w<sup>th</sup> them thus farr; & yett those men haue the confidence, or rather the impudence, to say in the frontiepeece of that petition, 'w<sup>th</sup>out any fault of ours that wee know,' which argues that they are so prodigiously blinded & hardened that they account not any of their outrages, riotous, injurious carriages or behauiours in matters of fact, which by the Courts messengers & letters to them they were charged w<sup>th</sup>, & convinced of deservedly called faults. It is acknowledged, that, in the transaction of this matter, they made themselves guilty of such horrid & high handed blasphemies against God & Christ, & the worship of God, that the Court judged themselves bound in duty to God not to let them goe out of their custody w<sup>th</sup>out taking cognizance thereof as a capitall delinquency. After a faire triall, in which they mainteyned their blasphemies & added more, the Court, for prevention of spreading their blasphemous doctrines, imposed the pœnalty of confinement to seuerall townes during the Courts pleasure, & shortly after banished them, which wee suppose, had they been tried in any other of his majesties Courts of justice, would haue vndergonne a pœnaltje not exceeding the meritt of the offence.

2. They say that their offence was a non compliãce w<sup>th</sup> us in our civil course of administration, when it plainly appeares from the premisses that they did bid defiance to all civil gouernment, accounting it a slavery & vassalage to be subject to any of their owne kinde or species, as they say.

3. Thirdly. They say that before they were brought doune, our ministers preached them grosse hæreticks, & men not worthy to liue vpon the earth, to prepare the people to judge them worthy of death. This wee take only as an

expression of their continued enmity *enmity* to the ministry, a plaine calumnie & vntrueth.

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4. They charge our comissioners w<sup>th</sup> breach of couenant in not keeping those honorable termes which they yeilded vpon, which also is a flatt vntrueth; for the grand condition which they insisted vpon in their surrender, it was, that they should goe doune w<sup>th</sup> our comissioners, vnbound, & haue safe conduct, which they had not, being bound, but in that respect as much at liberty in the journey as any of ours.

5. They complaine of hard fare & hard worke, which wee suppose also it may be, ranked w<sup>th</sup> the former, for they had their diet from the cookes, as good meate & drinke as the place afforded; & if they were sentenced to grind in the mill, yet wee doe not remember that they were euer put vpon it, but found better, entertainment.

6. They complaine of oppression, by taking away catle, & the catle taken were not neere sufficient to defray their charges; but some part of it hath been pajd since out of the country treasury vpon the country account.

7. They complained wee mayntained the Indians vpon their land, planting, burning, killing, &c, vnto this day; which is also notoriously not so; for whilst those Indjans were vnder this gouernment, if they had been so injurious to our oune countrymen, the Court would soone haue afforded redresse to any complaint, & haue provided as much as in them lay for their indemnity. & further, the gouernment heere hath, for causes them therevnto mooving, many yeares \*since w<sup>th</sup>draune their protection both from the English & Indians in those partes; therefore they doe not maintejne them to this day: hence it appeares notoriously to any impartiall eye that this petition, for the most part of it is a composition of forgerjes.

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Lastly, whereas they charge this gouernment w<sup>th</sup> excercising power beyond their jurisdiction & bounds, &c, making themselues to be lords of the land, &c, —

1. Wee reply, not sole lords of the land, for wee haue studiously endeavored to keepe his majestjes peace, both w<sup>th</sup> & in all his majestjes other colonjes here settled & established in any orderly way of gouernment, mainteyning alwayes an amicable correspondency as their fellow subjects. And wee solemnly profest that not the least ground of this transaction w<sup>th</sup> Gorton & his company was the preservation of the publick weale, & peace in his majestjes other colonjes, therefore not the sole lords of the land; too peremptory an expression to be presented in a petition to his majestjes honourable comissioners, which wee suppose their hono<sup>r</sup>s could not chuse but take notice of, at least as an extravagancy of speech.

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2. Wee reply, that although that tract of land which they possessed were not w<sup>th</sup>in our l<sup>ne</sup>, yet it was vpon very strong probabilitjes supposed to be w<sup>th</sup>in the bounds of Pljmouth patent, their bounds not being then precisely determined; & therefore this gouernment hauing taken the protection of the Indians of that land, they desired this gouernment to make provision for their indempnitje, & wholly transferred the matter to vs.

3. Wee reply, that all the co<sup>m</sup>issioners of his majestjes United Colonjes, taking notice of Gorton & his company as co<sup>m</sup>on ennemyes to the publick weale of the whole, & looking vpon their actings to be of very dangerous consequence, thought it necessary so farr to concerne themselves in it as to oppose an act whereby to encourage this go<sup>v</sup>nmnt to correct the insolency of the sajd Gorton & his company, w<sup>ch</sup> act of theirs was long since printed & published in the aforesajd booke, bearing date Sep<sup>t</sup> 7<sup>th</sup>, 1643, in which act there is this expression: —

‘The co<sup>m</sup>issioners for the United Colonjes thinke fitt that the magistrates in the Massachusets proceed w<sup>th</sup> them according to what they shall finde just, & the rest of the jurisdictions will approove & concurr in what shall be so warrantably donne, as if the co<sup>m</sup>issioners had been present at the conclusions, &c, thus the co<sup>m</sup>issioners whereby all the gouernments concerned themselves in the same co<sup>m</sup>on designe in defence ag<sup>t</sup> the co<sup>m</sup>on enemy.’

4. Their professed principles of annarchje before mentioned, together w<sup>th</sup> their vnruely rejection of all gouernments, rendered them incapable to be proceeded w<sup>th</sup>all in any other way of justice; for if they did at any time mention appeales, it was rather to escape present p<sup>œ</sup>naltje then out of any reall devotion to gouernment, vnto which they had openly profest themselves to be ennemjes.

5. The sajd Gorton & company declaring themselves open ennemjes to all gouernments, & in a more speciall manner not being ashamed nor afraid to declare themselves to be at open enmitye w<sup>th</sup> this gouernment of his majestjes colonje of the Massachusets, & grouing vp to a formidable heighth as to a capacitje to manage their principles vnto dangerous attempts, not only vpon this, but other of his majestjes colonjes, which they had to their vtmost already donne, especially there being in those times so much of the prædominancy of a spirit of annarchie in the world. Wee say, this considered, which was the true state of them, as in those times, what could wee doe lesse, in the defence of his majestjes interest w<sup>th</sup> vs, & of our oune peace, then to endeavor the timely suppression of a growing mischeife of suck daingerous tendency? his majestjes royall charter encouraging of vs to make our defence by all lawfull wajes & meanes whatsoever against all such persons who shall attempt or

enterprise the destruction, invasion, detriment, or annoyance of this his majesties plantation. Againe: one speciall end of the granting of our charter was the conuersion of *of* the natives in these termes, whereby our sajd people, inhabitants there, may be so religiously, peaceable, & civilly gouerned, as their good life & orderly conversation may winne & insite the natives of the country to the knouledge of the true God & Saviour of mankind, & the Christian faith, which, \*in our royall intention & the adventurers free professions, is the principall end of this plantation. This being one principall end in his maj<sup>ties</sup> royall intention, what could this gouernment doe lesse, in duty to God & his majestje, but, in pursuance of this so high an end, improoue his maj<sup>ties</sup> authoritje comitted to them; at least, for the protection of the poore natives from the oppression of such of our nation whose principles & practises were & still are a scandall & opprobrium of our religion amongst the poore natives, & this also when they did so importunately sollicite our helpe?

Wee only add, —

That many, if not most of those who were personally concerned in that affaire are past of the stage of action, & haue, wee doubt not, many of them given a comfortable account as to the sinceritje of their intentions for Gods glory & this countrjes good in that action, & ourselues surviving. When wee most solemnly reuolue & turne ouer these matters, so long agoe past, together w<sup>th</sup> the seuerall circumstances of those times & things, wee cannot but judge that their offences were of so high a nature, that their pœnaltje was rather beneath then aboue the meritt of their offences. Did wee not so beleue & judge, wee should not presume to exhibit this reply.

If his majesty, notw<sup>th</sup>standing, by his princely wisdom, observe any circumstantiall error in this matter, wee hope, out of his princely grace, he will indulge it, & still, by his propitious aspect, countenance & encourage his faithfull subjects here in the suppression of such insolent & turbulent spirits, that so wee may quietly & peaceably liue to feare God & honor the king.

Here follows a further account of the actings of y<sup>e</sup> kings comissioners in the eastern parts: —

1665.  
May session

[\*547.]

A further acc<sup>t</sup>  
of y<sup>e</sup> comis-  
sion's actings  
at y<sup>e</sup> eastward.

The inhabitants of those parts being, by the threats & calumniationes of the kings comissioners against y<sup>e</sup> Massachusetts gouernment, so terrefied & amazed that they did not well know what to doe, such of them as were more peaceably minded, when they plainly sawe the sad effect thereof, i. e., to the reducing of them to a former, if not a worse estate, then that they were in before the Massachusetts extended their gouernment ouer them, namely, desti-

Inhabitants  
terrified, &c,  
by y<sup>e</sup> threats  
& calumnia-  
tions, so as y<sup>e</sup>  
could not tell  
w<sup>t</sup> to doe.

1665.

May session.  
To declar in  
opposition to  
y<sup>e</sup> co<sup>m</sup>missioners  
dangerous; to  
connive at  
sinne, &c, they  
could not.  
S<sup>r</sup> Rob<sup>t</sup> Carrs  
resolution, in  
case, &c.

Some, mali-  
ciously bent,  
draw a petition  
in a secret way  
to be p<sup>r</sup>esented  
to y<sup>e</sup> king by  
Col. Cart-  
wright

Many consid-  
erat inhabit<sup>ts</sup>  
apply y<sup>m</sup>selves  
to y<sup>e</sup> Gen.  
Court for di-  
rection, &c.

On w<sup>ch</sup> co<sup>m</sup>mis-  
sion is gr<sup>e</sup>ed to  
3 gentlemen,  
&c.

Their returne.

tute of an able ministry, & liberty for those that were bold in sinn & wicked nes, to rant it amongst them at a high rate, the consideration hereof filled their eyes w<sup>th</sup> teares, & hearts w<sup>th</sup> sorrow, for to expresse themselves in op- position to the kings co<sup>m</sup>missioners, &c, it was rendered no lesse then treason in a high degree: among others, take this one instance, being the expression of S<sup>r</sup> Robert Carr, who, in a high & resolute manner, before sundry persons, sajd, that if the rest of the co<sup>m</sup>missioners would haue joyned w<sup>th</sup> him, he would haue hanged a poore old man at the next tree; & being asked by some gen- tlemen that were present what the mans fault was, himself confessed it was only disrespect to them in forbidding his grandchild, that was servant to one of his neighbours, to open the doore to them, hir master & mistris being then from home; for he sajd, what disrespect was put on them, he looked at it as put on his majestje. And those of Portsmouth & Douer being informed that some persons maliciously bent against the order & gouernment, w<sup>ch</sup> for sundry yeares had been a restreint to their licentious courses, secretly & most per- fidiously had draune a petition, to be presented by Colonel Cartwright at his returne to his maj<sup>ty</sup>, in the name of Douer & Portsmouth, Exeter & Hamp- ton, fower townes sittuate on the south side of Piscataqua River, & had car- ried the matter so secretly, that none but those that were of their counsell could haue the knowledge either of the actors or of the thing acted; the sadd & vncomfortable event whereof they were very sensible, & therefore ear- nestly appljed themselues to the Generall Court of the Massachusets, that in some orderly way they might haue an oppertunity put into their hands to cleare themselues of so great & vnjust aspersion as heereby was cast vpon the gouernment vnder which they were orderly settled, and also manifest their sence of such perfidious actings, least by their silence they should be con- cluded as being of the same minde with the petitioners, on whose motion the Generall Court nominated three gentlemen, & gaue them a co<sup>m</sup>mission to act in the sajd matter for the setling of the peace of those places as to them might seeme most meete. The result whereof in the returne made vnder the hands of the co<sup>m</sup>missioners, w<sup>th</sup> coppies of petitions from the inhabitants of Douer & Portsmouth, & euidences in the case here followeth, w<sup>th</sup> a copie of a letter directed to them from S<sup>r</sup> Robert Carr, countermanding the co<sup>m</sup>missioners in the execution of their trust co<sup>m</sup>mitted to them by the General Court.

Wee, whose names are subscribed, being co<sup>m</sup>missionated by the Generall Court in August last to repaire to the plantations on Piscataqua Riuer, on the 5<sup>th</sup> of this instant wee repaired to Portsmouth, in the county of Norfolk, & vpon the ninth of the same instant, by su<sup>m</sup>ons directed to the constable, wee

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May session

[\*548.]

assembled the inhabitants of the said town, unto whome wee caused the commission granted vs by this Court to be read & signified to them, that wee were informed that a petition had beene exhibbited to the kings commissioners, in the name of Portsmouth, Douer, Hampton, & Exeter, subscribed by sundry hands, conteyning a complaint or remonstrance against the gouernment, vnder w<sup>ch</sup> they were orderly settled by his majesties royall charter to the Massachusets, the grounds \*whereof wee did desire to know ; & for that end wee called them together, that in case they had any of them any just greivance vpon their mindes, they might freely acquaint vs w<sup>th</sup> the same, & wee should faithfully report the matter to the Court that sent us ; & in like manner, vpon the tenth of the same moneth, wee assembled the inhabitants of Douer, unto whom wee also caused the commission granted us as aboue said to be read, & signified to them also what information wee had received, as is aboue recited ; on hearing whereof the inhabitants of both the said townes respectiuey protested against the said remonstrance, or petition, that was exhibbited in their names to the commissioners, & freely professed themselues fully sattisfied w<sup>th</sup> the gouernment vnder which they are orderly settled, as themselues acknowledged, & tendered freely to acknowledge the same by presenting their petition to the honored Generall Court as their remonstrance against the perfidious actings of such persons as had so injuriously acted against the peace of the place, whose names they said were the most of them vnknoue to them, only some of them informed us that one Abraham Corbet, of Portsmouth, had beene very actiue in drawing vp & promoting the subscription of the said remonstrance, & that in other respects the said Corbet was an occasion of their great disturbance, & a nourisher of much vice & wickednes by giving irregular entertejment of loose persons in his house, against whom wee granted an attachment for his appearance before us ; but the marshall returning that he was not to be found, wee left a warrant w<sup>th</sup> the constable of Portsmouth to sumons the said Corbet to appeare before this honoured Court ; a copie of which petitions from the seuerall townes aboue said, together w<sup>th</sup> the evidences tendered us on oath against the said Corbet, as also a letter from S<sup>r</sup> Robert Carr sent vnto us by a man when wee were at Portsmouth, whereby he assayes peremptorily to countermand the commissions & power granted to us by the honoured Court wee doe herewith present to this honored Court.

Further : wee may informe this honoured Court, that the inhabitants, when mett at the abouesaid townes, respectiuey enformed us that sundry of their neighbours were prevented by the prouidence of God, so as that they could not attend the meetings, but they knew that many more that were absent were of the same minde w<sup>th</sup> themselues ; also, vpon enquiry concerning the other two

1665. { townes, i. e., Hampton & Exeter, wee were enformed by the most knowing & publicke persons of the places, that the people of the said townes had not acted in, or consented vnto, the said remonstrance. A cirtificate in the behalfe of Exeter wee herew<sup>th</sup> also present; & in the behalfe of Hampton also the like certifficate, wee conceiue, maybe obteyned, in case this Court shall desire it.

May session.

THOMAS DANFORTH,  
ELIAZER LUSHER,  
JN<sup>o</sup> LEUERET.

Boston, 10 Octo<sup>b</sup>, 1665.

That this is a true copie, compard w<sup>th</sup> the originall on file, attests

EDWARD RAWSON, Secre<sup>t</sup>.

Douer petition. To the honoured Generall Court of the Massachusets, in Boston, these presents shew, this tenth of October, 1665.

May it please the honnored Court, —

Whereas wee, the inhabitants of Douer, haue receiued creddible information that the inhabitants of the townes bordering vppon the Riuer of Piscataqua haue petitioned his majestje our dread soueraigne w<sup>th</sup> respect to wrongs & vsurpations they susteine in the present gouernment vnder which they reside, for an aljenation to be made amongst them in the gouernment, as his maj<sup>ty</sup> shall please to order the same, wee thought it necessary, being ord<sup>r</sup>ly assembled in a townes meeting, to cleare ourselues for our own part, by these presents, from hauing any hand in any such petition or remonstrance, & in case any such act hath passed, wee looke at it as an vnworthy misrepresenta<sup>cion</sup> of us, the inhabitants of Douer, to his majesty, as being donne w<sup>thout</sup> any either consent, or meeting, or cognizance of the townes, or the majo<sup>r</sup> part thereof.

Furthermore: as it is our bounden duty, so vppon this occasion wee professe the same, that, God asisting, wee shall continew in our ffaith & allegiance to his majestje by adhæring to the present gouernment, established by his royall charter, in the colony of the Massachusets, being well contented w<sup>th</sup> the priuiledges thereof, & willing to performe what is required of vs therein, according to the articles of agreement.

Wee beseech the Lord for his presence in the midst of yow, & his blessing vpon all your publicke & weighty occasions, & humbly take leaue.

It was voted in a publick townes meeting, October the 10<sup>th</sup>, 1665, that the contents hereof be presented to the Generall Court as the townes act, & that it be presented to all the rest of our neighbours to subscribe their hands, as any are willing.

This a true copie, taken from the originall.

1665.

May session.

p me, WM: POMFRET, Toune Clarke.  
 RICHARD WALDERNE,  
 W<sup>m</sup> WENTWORTH,  
 JOHN ROBERTS,  
 JOHN DAVIS,  
 JN<sup>o</sup> REYNER,  
 CHARLS <sup>his mrke</sup> C A ADAMS,  
 JN<sup>o</sup> WOODMAN,  
 W<sup>m</sup> FURBUR,  
 JN<sup>o</sup> HALL,  
 HATE EVILL NUTTER,  
 JOHN FROST,  
 W<sup>m</sup> <sup>his marke</sup> X LAJTON,  
 TH<sup>o</sup> NOCK,  
 RICH: <sup>his mrke</sup> R ROE,  
 JN<sup>o</sup> LOUERING,  
 HENRY TIBBUTS,  
 JOHN <sup>his mrke</sup> 7 HEARD,  
 THOMAS DOUNES,  
 THOMAS <sup>his mrke</sup> T LAITON,  
 PETER COFFIN,  
 W<sup>m</sup> <sup>his mrke</sup> W B BEARD,  
 JOHN CHURCH,  
 ROBERT <sup>his mrk</sup> R EVANS,  
 JN<sup>o</sup> <sup>his mrke</sup> B BICKFORD,  
 JN<sup>o</sup> DAMMIN,  
 JERR: TIBBUTS,  
 STEVEN JONES,  
 RICH: <sup>his mrke</sup> II CATER,  
 TH<sup>o</sup>: <sup>his mrke</sup> T CANNY.

Selectmen.

This is a true copie, compared w<sup>th</sup> its originall copie left on file.

As attests EDWARD RAWSON, Secret.

To the honoured Geñerall Court of the Massachusetts.

May it please you, — That, whereas their is a brute or fame of a petition

1665. draune up by vs, the inhabitants of Portsmouth, & sent to his majestje, the contents of which is to charge the gouernment of the Massachusets w<sup>th</sup> vsurpation vppon vs, & to supplicate an alteration of gouerno's & goueriment that his majestje hath at present established, by his royall charter, among vs.

May session.  
Portsmouth  
certifficat, &c.

Wee, the selectmen for the prudentiall affairs of the sajd toune, & sundry other the inhabitants, doe certify the honoured Court that wee are innocent & cleere of any such act, & doe disclajme the same as any of our toune act, & doe account ourselues abused by any that haue ffathered such a thing vpon vs. In testimony whereof wee subscribe our names, the 9<sup>th</sup> of October, 1665.

RICH: CUTT,	}	Selectmen.
JN <sup>o</sup> CUTT,		
NATH: FRYER,		
ELIAS STILEMAN,		
JN <sup>o</sup> HART,		
ANTHO: ELLENS,		
JN <sup>o</sup> MOSES,		
RICH: GOSE,		
JN <sup>o</sup> WESTBROOKE,		
EDW: BUCKFORD,		
JAMS PENDLETON,		
JN <sup>o</sup> AMEUKENE,		
RICH: TUCKER,		
JN <sup>o</sup> LEUIS,		
LEONARD WEEKES,		
PHILLIP LEUIS,		
RICH: JACKSON,		
FRANC: REJNER,		
ROB <sup>t</sup> TOUNESEND,		
STEPH: GRAFFAM,		
JN <sup>o</sup> BREWSTER,		
W <sup>m</sup> SEAVY,		
WALTER NEALE,		
TH <sup>o</sup> DENNIS,		
JOSEPH MORSE,		
RICH: COMMINS,		
JAMES CATE,		
CHARLS GLEJEDEN,		
SAM: HEINES,		
JOSE: WALKER.		

That this is a true copie, compared w<sup>th</sup> the originall copie left on file, as  
attests

EDW: RAWSON, Secre<sup>t</sup>.

1665.

May session.

This may certify whom it may concerne, that, concerning the question that is in hand, whither the toune of Exeter hath subscribed to that petition sent to his majestje for the taking of Portsmouth, Douer, Hampton, Exeter vnder his immediate gouernment, I doe affirme, to my best apprehension, & that by more then probable conjecture, that the toune of Exeter hath no hand in that petition, directly or indirectly. Witnes my hand, 10: 8, 65.

Mr Dudley certifficat y<sup>t</sup> Exeter had no hand in y<sup>e</sup> peti<sup>ti</sup>on sent to his maj<sup>ty</sup>.

SAMUEL DUDLEY.

That this is a true copie, compared with its originall left on file, so signed by M<sup>r</sup> Dudley, who is minister of the place,

Attests

EDWARD RAWSON, Secre<sup>t</sup>y.

Henry Sherborne, aged about fifty three yeares. This deponent saith that, being at his oune house, one morning, there came some of our neighbours, as they were going vp to Strawberry Bancke; they asked me if I would goe w<sup>th</sup> them, & I refused, & with much importunity they perswaded me; & when I came vp, there were people together to set their hands to a petition; & I, this deponent, hearing it read, did refuse to set my hand to it; and further saith, because, as I did vnderstand by what was read to the people, there was in the said petition some words concerning the vsurping of power ouer the people here by the Massachusetts gouernment; & this said petition was read by M<sup>r</sup> Corbet to the people, in his house. The number of them then present might be, as I did apphend, about eighteene or twenty persons, or thereabouts; & whither the petition was directed to his majesty immediately, or to his honored comissioners, \*I am not certejne; but to one of them it was; & some then present set their hands to it; & further saith not. The time when this was acted was some time this last su<sup>m</sup>er.

Henry Sherborn sath y<sup>t</sup> by importunity he was gott to goe vp to Portsmouth; he found people met together to subscribe a petition decla. Massa<sup>s</sup> vsurpation. It was in M<sup>r</sup> Corbets hous, & by him read. Number 18 or 20.

[\*549.]

HENRY SHERBORNE.

Portsmouth, 9: 8, 65.

Sworne before vs,

THOMAS DANFORTH.

That this is a true copie, compared w<sup>th</sup> the originall left on file,

As attests

EDW: RAWSON, Secre<sup>t</sup>.

Robert Purrington, aged about thirty yeares, being sworne, doe say, that, sometime this last su<sup>m</sup>er, about May or June, Abraham Corbet, of Ports-

Rob<sup>t</sup> Purringtons oath.

1665.  
 May session.

mouth, came to me in the woods, & spake to me about a petition from the toune to the kings comissioners, to which was sett three hands, i. e., the sajd Corbett, Francis Drake, & W<sup>m</sup> Cotton ; & in the sajd petition was contejned sundry complaints against the gouernment & the lawes ; & he desired me to speake vnto others to put their hands vnto it ; & at another time, at his oune house, he perswaded — i. e., y<sup>e</sup> sajd Corbet — sundry that were present, to the number of twenty, more or lesse, that they would put their hands to a petition to the same effect as the former. Sundry did put their hands to this last petition at Corbets house, & some refused ; & he sajd vnto me in these words, that M<sup>r</sup> Moodyes prayers were but ballings ; also, when wee were at his house, he told vs that he had taken the names of sundry at Douer, for whome he drew a petition, as he vnderstood him.

Portsmouth, 10 : 8, 65.

Taken vpon oath before vs,

THOMAS DANFORTH,  
 ELIAZ<sup>R</sup> LUSHER.

That this is a true copie, compared with its originall left on file,

Attests

EDW: RAWSON, Secre<sup>t</sup>.

Jn<sup>o</sup> Jones oath.

John Joanes, aged about fifty yeares, inhabitant of Portsmouth, on Piscataq Riuer, in New England, being sworne, on his examination doe say, that on or about July last, S<sup>r</sup> Robert Carr, Kn<sup>t</sup>, George Cartwright, Esq<sup>r</sup>, & Samuel Mauerrick, Esq<sup>r</sup>, calling the inhabitants of the sajd toune together, he, the sajd Jones, was p<sup>s</sup>ent, among some others, to the number of about one hundred people, more or lesse, as he judgeth, & at the head of the company S<sup>r</sup> Robert Carr there ; & then sajd openly to the people, that they would release them from the gouernment of the Bay, & that the Bay gouernment should come no further then the bound house. Also the sajd Jones doe further testify, that he was present at the house of Abraham Corbet, of Portsmouth, where was mett together sundry persons ; & the sajd Corbet did drawe vp a petition, vnto which sundry hands were put, which he vnderstood was to be deliuered to the comissioners, & the tjme when this petition was draune was when the gentlemen comissioners aboue named were in Portsmouth, & the purport or scope of the petition was, that they might be released from the gouernment of the Bay.

Taken vpon oath y<sup>e</sup> 7<sup>th</sup> of October, 1665, before vs,

THOMAS DANFORTH.

That this is a true copie, compared w<sup>th</sup> its originall on file,

Attests

EDW: RAWSON, Secre<sup>t</sup>.

Gentlemen: —

Hearing of your being at Strawberry Bancke, & being informed of yo<sup>r</sup> strict course yow intend against those that haue supplicated his majesty for their freedome & liberty, I could not doe lesse then in his majestjes name requier yow to take notice of this inclosed, which is a true copie of a letter sent to the Gouverno<sup>r</sup> & counsell of Boston; and jn his majestjes name I doe againe desire & require you would forbear troubleing or molesting such person or persons in Strawberry Bank, Douer, or Exon, as hath petitioned his majestje, vntill his majestjes gracious pleasure be further knoune. This is all at present, but that I am, gentlemen,

Your friend & servant,

ROBERT CARR.

Dated at Kittery, 10<sup>th</sup> October, 1665, and was subscribed ffor Major Generall Leueret & the rest of the comissioners from Boston at Strawberry Banck, these.

That this is a true copie, compared w<sup>th</sup> the originall left on file,

As attests

EDW: RAWSON, Secre<sup>t</sup>.

*\*Att.a Generall Court, called by the order of the Councill, 21<sup>th</sup> July, 1665, & held at Boston, the first of August, 1665.*

1 August.

[\*550.]

PRESENT, Rich Bellingham, Esq<sup>r</sup>, Go<sup>v</sup>,  
Francis Willoughby, Esq<sup>r</sup>, Dep<sup>t</sup> Go<sup>v</sup>,  
Symon Bradstreet,  
Sa<sup>m</sup> Symons,  
Da<sup>m</sup> Gookin,  
Daniel Dennison,  
Symon Willard,  
Rich Russell,  
Thomas Danforth,  
W<sup>m</sup> Hathorne,  
Eliazer Lusher,  
J<sup>no</sup> Leueret,  
J<sup>no</sup> Pinchon,

} Esq<sup>rs</sup>.

1665.

May session.  
S<sup>r</sup> Rob<sup>t</sup> Carrs  
letter to Maj<sup>r</sup>  
Gen. Leueret,  
&c.

1665.

1 August.

IT being put to the question whither a present addresse & application shallbe made by this Court to his majesty, that so his majesty may vnderstand the grounds & reasons of this Courts transactions w<sup>th</sup> his hon<sup>ble</sup> comissioners; it was resolved on the affirmative.

And accordingly the Court proceeded, & agreed vpon this addresse:—

To the kings most excellent majesty. The humble petition of the Generall Court of the Massachusetts colony in New England.

Dread Soueraigne:—

Let it not be vnpleasing to your majestje that your poore subjects doe againe prostrate themselues at your royall ffeete to begg pardon for what error or weaknes hath vnwittingly slipt from vs in our last addresse, wherew<sup>th</sup> your majesty (as wee are informed by your secretary) was displeased, for (God knows) it was farr from our intention to giue any occasion of offence. Wee desired plainely & affectionately to spread the case of yo<sup>r</sup> subjects here before the comon father & prince, who, being placed in so high a sphere, & at so great a distance, might possibly want a right vnderstanding of the greivances. But wee confesse, that what wee then presented was our feares of what wee did then rather foresee then feelee; but, now to our greife & great sorrow of heart, wee find (& wee hope your majesty in due time will see) that the gentlemen sent hither in the capacitje of comissioners, especially three of them, (for Colonel Nicholls, we must acknowledge, had not his hand in many things that are greivous to vs, and wee thinke would not; whereas the comission seemes to import, that w<sup>thout</sup> him no valid act can be done,) who haue steered a course so different from, if not contrary to, your majestjes gracious expressions & limitations in your royall letters & instructions, and wee beleive very much against your gracious disposition & inclination, that those good ends of yo<sup>r</sup> majestjes sending them hither, expressed in your letters, are, as much as in them ljes, made void & frustrate; and in steed thereof, your poore subjects threatned w<sup>th</sup> ruine, reproached w<sup>th</sup> the names of rebels, and your gouernment, established by charter, & our priuiledges, violated & vndermined; causeless complaints from Indians receaved & countenanced, in so much that the very carriage & deportment of many of the heathen is changed towards us; our injurious & licentious neighbours animated against us, a notorious malefactor protected from justice, some of your faithfull subjects dispossessed of the lands & goods without hearing them speake in their cases, the vnity of the English colonyes (which is the wall & bulworke, vnder God, against the heathen) discountenanced, reproached, & vndermined, our bounds & limitts clipt & shortned, seuerall tounes in our north border already (so farr as in

them ljes) taken from us, they declining to heare our just pleas therein, though offered to them. The particulars of these things, & other of like nature, they haue acted, w<sup>ch</sup> are collected, w<sup>th</sup> due prooffe of them, & transmitted to be humbly presented.

1665.

1 August.

Wee haue ground to beleive that these gentlemen will represent our cases in another dresse, & as heere, by tongue & pen, so there, to your majesty & others, will labo<sup>r</sup> to render vs as vile as imaginable, & will not be wanting in endeavours to stirr vp your majesty to wrath & indignation against us; but wee beleive your majesties wisdome & goodnes will not ouer hastily receive such impressions.

But wee beseech yow, royall s<sup>r</sup>, that yow will thinke, & expect, & beleive other & better things concerning youre poore suppliants — a just dependance vpon & allegiance vnto your majestje, according to the charter wee haue & doe possesse & practise, & haue by our oathes of allegiance to your majesty confirmed; but to be placed vpon the sandy foundations of a blinde obedience \*vnto that arbitrary, absolute, & vnlimited power which these gentlemen would impose vpon us, who, in their actings towards us haue carried it, not as indifferent persons towards us, this, as it is contrary to your majestjes gracious expressions, & the libertjes of Englishmen, so wee can see reason to submitt thereto.

[\*551.]

If these your colonjes should be set into the flame of contention & confusion, either among themselues, or by the heathen, which seemes to be the designe of some, rather then not to haue their wills, wee cannot conceive what proffit or honor is like thereby to redound unto our lord the king.

Courts addressed.

Wee hope there is nothing can be objected against vs, either by English or Indians, wherein wee are not able to cleare our innocency, (humajne frailtjes excepted,) & haue manifested ourselues alwayes ready to give a rationall accompt of all our actions; but if the quality of many, if not most of the complajnants (as Indians, Quakers, libertjnes, & malefactors) were knoune as it is to all knowing men heere, & it would not be thought that those complaints should be accompted considerable.

But wee must conclude, & comitt our cause vnto the Lord God, & vnder him to your royall self, casting ourselues in all humillitje before your majestje, beseeching the God of heaven to incljne your heart to extend benignity, favour, & a gracious aspect towards us, which of all outward things wee most highly prize; and that wee desire no longer to enjoy then while wee shall continue to pray for your temporall & eternall happiness, & approoue ourselues to be

Your majestjes most loyall subjects &amp; suppljants.

RI: BELLINGHAM, Gour, in y<sup>e</sup> name,1<sup>st</sup> August, 1665.& by y<sup>e</sup> order of y<sup>e</sup> Generall Court.

1665.

1 August.  
Order y<sup>t</sup> y<sup>e</sup>  
Gou<sup>r</sup>n<sup>r</sup> & major  
generall take  
care for its  
dd<sup>r</sup>.  
Fines for  
breach of Sa-  
bboaths, &c, to  
goe to y<sup>e</sup> coun-  
tre Tres<sup>r</sup>, as  
formerly.

It is ordered, that the honored Gouer<sup>r</sup> & Major Gennerall Leuerett take order for deliuering of the addresse directed by this Court to his majestje, & for that end to write vnto some friends to improove soñ meete person that may best be obtained to effect the same.

This Court, being sencible that through the wicked practises of many persons who doe prophane Gods holy Sabboaths, & contemne the publicke worship of his house, the name of God is greatly dishonored, & the proffession of his people here greatly scandalized, as tending to all prophaness & irreligion, as also that by reason of the late order of October 20, 1663, remitting the fines imposed on such to the vse of the seuerall townes, the lawes made for reclayming such inornitjes are become ineffectuall, doe therefore order & enact, that henceforth all fines imposed according to lawe for prophanation of the Sabboath, contempt or neglect of Gods publick worship, reproaching of the lawes & authority here established according to his majestjes charter, shall be to the vse of the seuerall countjes as formerly, any thing in the aboue sajd lawe to the contrary notwithstanding; & in case any person or persons so sentenced doe neglect or refuse to pay such fine or mulct as shall be legally imposed on them, or give security in Court to the Tresurer for payment thereof, euery such person or persons, so refusing or neglecting to submit to the Courts sentence, shall for such his contempt be corporally punished according as the Court that hath cognizance of the case shall determine; & where any are corporally punished, their fines shall be remitted.

Cap<sup>t</sup> Roger  
Clapp cap<sup>t</sup> of  
y<sup>e</sup> Castle.

This Court, having considered of the want of a captaine for the Castle, doe nominate & appoint Cap<sup>t</sup> Roger Clapp to be captaine thereof.

[\*552.]

Midlex  
trayning put  
by y<sup>e</sup> yeere.

\*It is ordered, that the generall trayning for the county of Midlex shall & hereby is inhihbited for this yeare.

Major Gen<sup>l</sup> to  
disband y<sup>e</sup>  
garrison at the  
Castle, &c.

Whereas the major generall, w<sup>th</sup> advise & approbation of the Gouerno<sup>r</sup> & some other magistrates, did, about fwe weeks since, setle a garrison at the Castle of twenty men out of the trayned bands of the townes of Boston, Dorchester, Roxbury, Charls Toune, Cambridge, & Water Toune, vpon the intelligence of De Ruthier approaching our coasts, & a letter from his majesty to prepare for our defence, this Court doe order the Tresurer, out of the next country rate, to sattisfy the charge therein expended out of the seuerall townes rates, & account thereof to be made by the selectmen of such toune. And this Court doe order the major generall to discharge on behalfe of that garrison forthwith, & the remajnder as soone as he seeth it necessary & safe for the publicke. And it is ordered, that pay for the souldiers in this service be ten shillings p weeke, deducting for their djet; & farther, that Cap<sup>t</sup> Hudson, for

his attendance at the Castle since the death of the former capitaine, shall be paid tenn pounds as a gratuity out of the next levy.

Mr Henry Bartholmew, on the request & choice of the troope at Salem, is allowed & approoued of for their cornett.

For the better improovement of the Castle for the service of the country in times of peace & warr, it is ordered by this Court & the authority thereof, that henceforth there shall be a constant settled garrison, consisting of a capitaine, lieutenant, & other officers, w<sup>th</sup> sixty fower able men, compleately armed, which men shall be appointed to that service by the comittee of militia in the townes of Boston, Charls Toune, Dorchester, & Roxbury according to their seuerall proportions hereafter mentioned, viz<sup>t</sup>, Boston thirty, Charls Toune twelve, Dorchester twelve, Roxbury tenn, the said comittees of militia returning to Roger Clapp, cap<sup>t</sup> of the said Castle, a list of the persons appointed in their seuerall townes for that service, & give notice to the persons listed, that they are by the authority of this Court required to attend the comands of Roger Clap, cap<sup>t</sup> of the said Castle, fower times in a yeare, for exercise in times of peace vpon the place, & to be constantly in a redines at all times to attend such orders as the said capitaine of the Castle shall issue forth for the service of the country; & the said persons so listed are hereby freed from all other military comands of other officers in the respectiue townes where they liue, & from all constables watches & pole money during such their service, any lawe or custome to the contrary notwithstanding. And the said number of sixty fower men shall alwayes be made vp by the aforesaid comittees from time to time, in case of death, disabillity, or other remoovall. It is hereby further ordered, that besides the settled garrison afore mentioned, the cap<sup>t</sup> of the said Castle shall always haue foue men vpon the Castle Island, whereof one to be an expert gunner, which said men shall be improoved by the said cap<sup>t</sup> for the service of the country; & in case of his absence from the said Castle, he shall leaue full power with his gunner to beare comand in the place as occasion shall require.

And it is further ordered, that the former sallerjes or provision shall discharge the sallerjes of the said capitaine & three more, & referr the proportioning of the sallerjes & furnishing the said capitaine & Castle w<sup>th</sup> meete amunition vpon any occasion, & effecting all other things in the order aboue written to the Gouverno<sup>r</sup>, Dep<sup>t</sup> Gouẽno<sup>r</sup>, & so many of the magistrates as are at hand, provided not lesse then three of the magistrates be present, the Gouverno<sup>r</sup> or Dep<sup>t</sup> Gouverno<sup>r</sup> being one; & all surveyo<sup>r</sup>s or officers of store are hereby ordered to attend the comands & directions of this comittee from tyme to time, till this Court take further order. And it is hereby ordered, that it shall be

1665.

1 August.

Henry Bartholmew cornet to Salem troope.

Courts provision for the Castle a constant garrison, raised & settled by y<sup>e</sup> comittees of Boston, Charls Toune, Dorchester, & Roxbury,

Who are to attend y<sup>e</sup> cap<sup>t</sup> comands.

Their privileges.

Provision in case of death or other remoovall.

The gunner to officiate in y<sup>e</sup> cap<sup>t</sup>s absenc.

The sallerys as formerly.

Select comittees power.

1665.

1 August.

[\*553.]

Courts com-  
mission to Mr  
Danforth, Mr  
Lusher, & Mr  
Leueret for set-  
tling y<sup>e</sup> east-  
ward affaires.

in the power of the late selected committee of militia for the Castle to draw vp a commission for the capt of the Castle according to the tenor of the commission last granted.

\*Thomas Danforth, Eliazer Lusher, & Major Geñll Jn<sup>o</sup> Leueret, Esq<sup>s</sup>, are appointed & impowred for the settling of the easterne parts, whose commis-  
sion is as followeth: —

The Generall Court of the Massachusetts jurisdiction, in New England, to  
Thomas Danforth, Eliazer Lusher, & John Leueret, Esq<sup>s</sup>.

Yow or any two of yow are hereby fully authorized & impowered to re-  
paire in person to the countjes of Norfolk, Piscataque, Isle of Shoales, & Yorke,  
and to call before you any or euery person or persons that haue or shall act in  
the disturbance or reviling of the gouernment there settled according to his  
majestjes royall charter to this collony, vnder the broad seale of England, &  
to proceede against them according to their demerits & the lawes here estab-  
lished, & to doe any act for the settling of the peace of the sajd places, by  
declaration or otherwise, according to your good & sound discretions, appoint-  
ing of constables & associates for the Courts, & keeping of the same according  
to the articles of agreement made w<sup>th</sup> the sajd people of the sajd countjes re-  
spectiuelly; & for the better enabling yow herein, all officers, military & civil,  
& all other the inhabitants of this jurisdiction, are required to be ayding &  
asisting to you for the ends afore sajd, as yow shall see meete to require; and  
in case you shall finde it more expedient, yow may send for any delinquents, as  
abouesajd, by warrant directed to any the officers of this jurisdiction, or such  
other as yow shall appoint for the apprehending of their persons, & causing  
them to appeare before yow in such places as yow shall appointe, where, after  
examination, yow shall further proceed as the matter shall require; & what  
yow shall doe herein to make returne to the next Generall Court, &c.

Tresurer to  
prouide for  
their charges,  
&c.

The deputjes  
charges ex-  
pended at a  
dinner on y<sup>e</sup>  
commissioners  
at W<sup>m</sup> Hud-  
sons dis-  
charged, 19<sup>th</sup>.

The Courts de-  
sire to conferr  
w<sup>th</sup> his maj<sup>ty</sup>  
commissioners,  
&c.

It is ordered by this Court, that the Treasurer of the country doe pro-  
cure & deliuer to the commissioners for settling the affaires of the eastern  
parts the some of fve pounds a peece in money, in case they goe thither per-  
sonally, & also pay such bills as shallbe chardged vpon him by them, for the  
effecting that buisnes.

Itt is ordered, that the Treasurer of the country satisfy & pay vnto Cap<sup>t</sup>  
W<sup>m</sup> Hudson, out of the next levy, the some of nineteene pounds, w<sup>ch</sup> was ex-  
pended by the deputjes on their invitation of the honorable commissioners at  
a dinner at his house, &c.

The Court, hauing seriously considered & duly weighed seuerall things

which haue binn acted by his majestjes honoꝛble coṁmissioners at the eastward since the last session of this Court, tending to the disturbance of the peace of his majestjes good subjects there, judge meete forthwith to send to the aforesajd gentlemen to desire a conference w<sup>th</sup> them concerning their actings aboue mentioned, that this Court maybe satisfied concerning the same. 1665.

1 August.

On S<sup>r</sup> Robert Carrs answer to the secretary, made knoune to the whole Court, it was put to the quæstion, whither the Court would proceed any further at this time in that buisness. It was resolved on the negatiue.

On the ans<sup>r</sup> of S<sup>r</sup> Rob<sup>t</sup> Carr, the Court proceeded no further, &c.

In ans<sup>r</sup> to the petition of Edw<sup>o</sup> Colcord, the Court, on perversall thereof, judgeth it meete to order a hearing of his case, mentioned in his petition, in relation to a saw mill, in the Generall Court in October next, & y<sup>t</sup> Edward Colcord, by a suṁons from a clarke of the writts, suṁons all partjes concerned to appeare at the time, & giue answer accordingly.

Ans<sup>r</sup> to Edw. Colcords petition.

Voted by the whole Court together, that they doe not approoue of the instrument product in Court to be y<sup>e</sup> last will & testament of y<sup>e</sup> late Jn<sup>o</sup> Endecot, Esq<sup>r</sup>, Gouverno<sup>r</sup>.

Gouvernor Endecots will not allowed of.

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*\*Att the Sessions of the Gennerall Court, held at Boston, 11<sup>th</sup> of October, 1665.* 11 October. [554.]

PRESENT, Rich Bellingham, Esq<sup>r</sup>, Goṁ,  
 Francis Willoughby, Esq<sup>r</sup>, Dep<sup>t</sup> Goṁ,  
 Symon Bradstreet, }  
 Samuel Symons, }  
 Daniel Gookin, }  
 Daniel Dennison, }  
 Symon Willard, }  
 Richard Russell, } Esq<sup>rs</sup>.  
 Thomas Danforth, }  
 W<sup>m</sup> Hathorne, }  
 Eliaz<sup>r</sup> Lusher, }  
 John Leueret, }  
 John Pinchon, }

THE solemne day of humiliation agreed on the last Court was in the tounse house kept by the whole Court, Magis<sup>t</sup> & Deputjes, w<sup>th</sup> seuerall of the elders of the churches.

1665.

11 October.

Itt is ordered, that a warrant forthwith issued out from this Court to M<sup>r</sup> W<sup>m</sup> Foster, that he land no goods nor persons till this Court take further order, or that he receive order from the Go<sup>v</sup>no<sup>r</sup> & major generall, or Deputy Go<sup>v</sup>no<sup>r</sup> & M<sup>r</sup> Russell ; nor shall any person whatsoever goe on board him or any such vessell w<sup>th</sup>out such like licence, on p<sup>o</sup>nalty of imprisonment, that so the dainger of the pestilence may be prevented as much as maybe ; & that the captain of the Castle stop all vessells com<sup>ing</sup> from England, and bring them to an anchor, till they, as aforesajd, shall give order for their com<sup>ing</sup> vp & landing of their goods, that so wee may be found in all due wayes subser-vient to Providence for the preventing infection by the pestilence. War-rants issued out accordingly to y<sup>e</sup> capt<sup>o</sup> of y<sup>e</sup> Castle & M<sup>r</sup> Foster, w<sup>ch</sup> are on file.

Vide re<sup>c</sup> of y<sup>e</sup> Court, y<sup>e</sup> law, title Inkeepers, forgot here to be in-certed.

Entry of ac<sup>o</sup>n  
as to time.

Whereas sundry inconveniencies doe arise by reason that plaintiffs in civil cases doe delay to enter their actions to the great expence of much pretious time, & damage to the publick, it is therefore ordered, that henceforth no action shallbe entered after the first day of the Court is ended ; and in case any plaintiffe shall delay his entry longer than the first forenoone of the Courts sitting, euery such person or persons shall pay double entry money. And all persons, whither partjes or witnesses, are enjoyned to attend their respective concernes in euery Court of justice as well the first forenoone of the Court as afterwards, and shall present the whole plea and evidence before the case be com<sup>itted</sup> to the jury, & no after plea or evidence shallbe admitted to any person, any lawe, vsage, or custome to the contrary notw<sup>th</sup>standing ; and for that end all marshalls & constables are enjoyned to make their returnes of attachments by them served some time the first forenoone of the Court that is to take cognisance of the case concerned therein ; provided, that the double entry money be paid by him that so neglects his entry, & not put the de-fendant to vnecessary charge through his default.

Day of thank-s-  
giving.

Whereas it hath pleased God to mixe our cup w<sup>th</sup> mercjes as well as chasticements, & in particular in giving seasonable rajne this last summer when the fruits of the earth were like to perish, whereby the Lord hath mercifully spared a necessary portion of sustenance for vs & our familes, also for diverting a squadron of Dutch shipps that threatned to invade our coasts, together with the continuance of our peace & libertjes hitherto, — in which favour many mercjes are contejned, — this Court doeth appoint the 8<sup>th</sup> day of Nouember to be kept in solemn thanksgiving vnto God for his grace & favo<sup>r</sup> in these & other respects, and doe com<sup>end</sup> it to the respective

churches, ministers, and people w<sup>th</sup>in this jurisdiction solemnly & seriously to keep the same day accordingly.

1665.

11 October.  
Day of humil-  
liation.

Forasmuch as diuers causes of deepe humilliation before the Lord doe remajne among ourselues, as well the sad condition of the people of God in other parts, especially the severe hand of God in the pæstilence raging in London & in many other places more in our native country, this Court doeth appoint the 22<sup>th</sup> of Nouember next to be kept as a solem day of humilliation, & doe comend it to all the churches, ministers, & people w<sup>th</sup>in this jurisdiction to keepe the same accordingly.

It being a matter encumbent on this Court to provide that all meete provision be made for the vpholding of the Castle, & suitable improouement of the artillery & batterjes there provided, it is ordered, that the Gouverno<sup>r</sup> & major generall, for the time being, doe from time to time make such supply of men & amunition as the season of the yeare or the condition & occasion of the country may require.

\*The occasions of the country calling for more then ordinary disburse this yeere, this Court doeth order, for the payment thereof, that there shall be the addition of one halfe of a single rate vpon the seuerall townes; & a copie of this order to be sent forth by the secretary ffor effecting the same w<sup>th</sup> all convenient speede. [<sup>\*555.</sup> One half addition to y<sup>e</sup> years rate.

It is ordered by this Court & authority thereof, that all sorts of corne shall be payd in the country rate for this yeare ensuing, at these prizes following, viz<sup>t</sup>: wheat at fīue shillings, barley & barley-mault at fower shillings & sixe pence, rye & pease at fower shillings, & Indian corne at three shillings p bushell; all good & merchantable corne & all other things payd in the country rate to be vallued at money prise, provided no town or person shall haue liberty to make payment of any leane catle in their rates. Price of corne y<sup>e</sup> yeere, &c.

The worke of the secretary & clarke of the Deputjes being more then ordinary this yeare, this Court judgeth it meete to allow the secretary, by way of addition to his sallery, twenty pounds, & the clarke fīue pounds for this present yeare, to be paid by the country Treasurer out of the next country rate. Addition to secret. & clarks sallery for y<sup>e</sup> yeare.

A bill of charges presented to this Court expended on the South Battery, in Boston, by order from the councill & major generall, amounting in seuerall particulars to twenty six pounds fower shillings & three pence, was allowed; & it is ordered, that the Treasurer pay the same out of the next country levy. Charges expended on South Battery of Boston, 26 4 3 allowed, &c. One 3<sup>d</sup> of a single rate in Charls Towne allowed them for fortifications, &c.

On the request & motion of Cap<sup>t</sup> Francis Norton & Left Sprague in behalf of Charls Towne, & for their encouragement as to fortification, it is

1665.

11 October.  
Committee to  
view y<sup>e</sup> lawes,  
&c.

ordered, y<sup>t</sup> one third of their single country rate be allowed them, as was to Boston for the like ends.

This Court doeth appoint M<sup>r</sup> Thomas Danforth, the secretary, & M<sup>r</sup> Stoddard to survey the lawes that haue been made this yeare of publick concernment, & cause them forthwith, w<sup>th</sup> such other not yett printed, to be printed.

None to lease  
y<sup>e</sup> Indians  
lands w<sup>thout</sup> li-  
cence, under  
penalty, &c.

For explanation of the law, title Indians, page 40, sect<sup>h</sup> 2<sup>d</sup>, this Court doeth declare the prohibition there exprest, referring to the purchase of Indian land without licence from this Court, is to be vnderstood as well grants for terme of yeares as for euer, & that vnder the same pœnalty as in the sajd lawe is exprest.

Ans<sup>r</sup> to W<sup>m</sup>  
Salters peti-  
con. Sarah  
Ropers ffees  
determined.

In answer to the petition of W<sup>m</sup> Salter, referring to Sarah Roper, the sajd Sarah Roper being found a delinquent, & sentenced to be punish<sup>t</sup>, which was accordingly done, the charges of hir imprisonment doeth in *in* course fall vppon her; it is therefore ordered, that the marshall generall doe seaze hir person, & comitt hir to prison in Boston, there to remajne vntill the ffees be satisfied.

Committee to  
audit the  
Treasurers  
accounts.

It is ordered by this Court, that Capt<sup>h</sup> Thomas Clarke, Capt<sup>h</sup> Francis Norton, M<sup>r</sup> Edward Collins, & M<sup>r</sup> Anthony Stoddard, or any three of them, are hereby appointed to audit the Tresurers acompt, & to make retorne of the same to the next Court of Election.

500 accors of  
lands granted  
to Cap<sup>t</sup> Gookin  
& Major Gen<sup>l</sup>  
Denison a  
peece, &c.

On seuerall considerations especially mooving hereto, this Court judgeth it meete to grant vnto Cap<sup>t</sup> Daniel Gookin & Majo<sup>r</sup> Ge<sup>n</sup>ll Daniel Dennison five hundred acres of land a peece, to be lajd out in any co<sup>m</sup>on lands, not hindering a plantation nor any former grants.

[\*553.]  
100 ac's land  
to W<sup>m</sup> Ste-  
vens, Sen.

\*In ans<sup>r</sup> to the peti<sup>con</sup> of W<sup>m</sup> Stevens, Se<sup>n</sup>, the Court judgeth it meete to grant him one hundred acres of land where he cann finde it according to lawe.

Dedham lands,  
8000 acres.

This tract of land, conteyn<sup>g</sup> eight thousand acres, being layd out according to this plott given into the Court & remayning on file, beginning att A, & so running to L, by the ffoote of a mountejne, south & by west two miles forty sixe rod; from L to K, along by the same mounteine five miles forty rod south & by east two degrees easterly; ffrom K to I, vpon a streight l<sup>j</sup>ne two miles & a halfe & *a half* west halfe a point southerly; ffrom H to I, vpon a streight line south halfe a point easterly, fower miles; ffrom G to H, norwest fower degrees, westerly three hundred sixty two rod; ffrom E to G, S. S east three degrees southerly, one hundred & sixty rod; from E to F south southeast, west three degrees southerly, eighty eight rod; from D to E southwest one

hundred and eight rod ; from C to D south south east eighty rod ; ffrom B to C south & by west three degrees westerly, five hundred & eighty rod ; from A to B west north west two degrees westerly, one mile twenty rod. This tract of land is lajd out at a place called Pecumptick, to answer the grant of the honoured Generall Court made to Dedham for the lands at Natick, which the Indians are settled vpon, by the Courts order, it lying northward from Hadley about tenn or twelue mile. Layd out as abouesajd May, 1665,

1665.

11 October.

By me, JOSHUA FISHER.

The Court allowes & approoues of this returne, provided they make a Vide p<sup>a</sup> 711. toune of it, to majntejne the ordinances of Christ there once w<sup>th</sup>in five yeares, & that it interfere not w<sup>th</sup> Maj<sup>r</sup> Geñll Dennison & Hadley grant.

In answer to the petition of Concord for an enlargement of their bounds, this Court doe grant them a tract of land conteyned in a platt returnd to this Court, vnder the hand of Ensigne Noyes, by estimation the whole being about fve thousand acres, whereof the Court reserveth two thousand acres, to be lajd out to either Indians or English, as this Court shall see meete hereafter to dispose & grant ; and the remainder, being about three thousand acres, this Court doe grant to Concord, so as the same doe not abridge any former grant made by this Court. And it is ordered, that Leift Beers & Left Nojes lay out the same, & make their return to the next Court of Election.

Ans<sup>r</sup> to Concord petition,  
3000 acres  
granted.  
Vide p<sup>a</sup> 586.

In answer to the petiçõn of Cap<sup>t</sup> Richard Walderne, Israell Wight not appearing at this Court, to which the petiçõner was referred, the Court judgeth it meet to give further time for heareing of this case at the next Court of Election, & that the petitioner give timely notice to the sajð Wight by a sumons, or by leaueing the same at the place of his last aboade.

Ans<sup>r</sup> to Cap<sup>t</sup> Walderns petition referinge to Israell Wight, &c.

In ans<sup>r</sup> to the petiçõn of John Saffyn, Mr Pajne being gown out of the jurisdiction (before sumons was given to him for a hearing of the case betwene him & the sajð Saffin at this Court) on his occasions, the Court judgeth it meete to grant the petiçõner, Mr John Saffin, a hearing of his case, mentioned in this petition, at the next Court of Election, he giving Mr Pajne timely notice thereof.

Ans<sup>r</sup> to John Saffyns pettiçõn, &c.

In answer to the petition of Thomas Chandler, the Court being sencible of the great inconveniency that hath already acrued, as well to this Court as trouble to the Indians, by the English intrenching vpon the propriety that hath been settled in an orderly way, doe not judge it meete to make any concession to the petitioners request, but doe referr him to require recompence of such as haue led him into the same, & to take the land due to him as the lawe doeth warrant.

Ans<sup>r</sup> to Thomas Chandlers petiçõn.

1665.

11 October.  
Newbery fine  
of ten pounds  
to be speedily  
levied.

The toun of Newbery being fined, for not sending a deputy y<sup>e</sup> last Court of Election, the summe of ten pounds, this Court doeth order that the secretary give warrant to the marshall speedily to levy the same, & to make returne thereof to the country Tresurer.

[\*557.]

The returne of  
Mr Corletts  
farme of 300  
acres from Ne-  
tus Indian ac-  
cepted, &c.

\*To the honoured Generall Court assembled at Boston, in New England, this instant October, 1662, humbly sheweth this honoured Court, that wee, Edmond Rice, of Marlborough, & Thomas Nojes, of Sudbury, in obedience to the grant of the honored Court, 22<sup>th</sup> May, 1661, giving & granting liberty to Mr Elijah Corlet, of Cambridge, to purchase & receive so much land of Netus, Indian, at Nep Nap, as shall, in the judgement of vs aboue written, pay & satisfy the sajd Elijah Corlet the sume of fower pounds and tenn shillings, together w<sup>th</sup> other charges; all which sajd charges & principall amounteth to seven pounds & tenn shillings; for all which sajd sume wee aboue written haue, w<sup>th</sup> the consent of the Indians at Nepnap, lajd out & measured to the sajd Elijah Corlet, at the north end of Nepnap Hill, being about three miles distant northerly from the Indian plantation; three hundred and twenty acres; the first line of the sajd farme begining at the southwest angle of the sajd farme, runing a due east line two hundred & twenty rods; and from thence a north & by east ljne, neerest hand, one hundred & sixty rods; & from thence runing a west & by north ljne, one hundred & fifty rodds; & from thence runing a north. & by east ljne, one hundred & twenty rods; & from thence runing a west & by north line, eighty rodds; & from thence runing a south line, one hundred & forty rodds; so ending & finnishng the sajd farme of three hundred & twenty acres, desiring this may be recorded in the Court records.

Yours in any service to our power.

EDMOND RICE,  
THOMAS NOYES.

Charls Toune, 17 : 10 : 1662.

This returne being presented to the Court, w<sup>th</sup> the order of the Generall Court warranting the same, they accepted thereof vpon record, & doe approve thereof.

THOMAS DANFORTH, Recordr.

This being presented by Mr Corlet for this Courts allowance & approbation, the Court, on his request, allowes & approoves of this returne.

Cap<sup>t</sup> Lushers  
250 acres lajd  
out.

Lajd out & exactly measured, according to rules of art, the aboue granted

two hundred & fifty acres, vnto Captaine Eleaz<sup>r</sup> Lusher, October, 1659; the south angle thereof being neare Medfeild new grant, & the north angle thereof being neere the southwest angle of Naticke bounds; as also twelue acres of meadow, being in two parcells beyond the northwest angle, being & lying on a brooke, Wenunkeynnj Brooke, makinge up the full complement of the two hundred & fifty acres, being more amply described by the vnderwritten plott, w<sup>ch</sup> is left on file.

1665.

11 October.

By me,

JOSHUA FISHER.

The Court allowes & approoues of this returne.

In ans<sup>r</sup> to the petition of Mrs. Ellinor Hooke, the Court granted hir a hearing of hir case betweene hir & Cap<sup>t</sup> Thomas Clarke; & both partjes appearing, the Court having heard what both partjes could say, judge it most expedient to referr the peti<sup>c</sup>ōner to the ordinary course of justice, as the lawe provides.

Ans<sup>r</sup> to M<sup>rs</sup>  
Hook<sup>e</sup> peti-  
cōn.

On cirtifficat from the selectmen of Springfeild, & M<sup>r</sup> Pelatiah Glover, minister there, that Thomas Merrick, a settled inhabitant there, is, according to law, rateable, orthodox in religion, of pious & laudable conversation, the Court Court allowes & approoves of him to be a freeman of this jurisdiction.

Tho. Mirrick  
allowed to be a  
freeman.

In ans<sup>r</sup> to the petition of Nobstow, Wanalancet, Nonatomenut Indians, the Court judgeth it meete to grant M<sup>r</sup> John Euered aljas Webb five hundred acres of land adjoyning to his lands now in his possession, vpon condition that he release his right & interest in an island in Merrimake Riuer, called Wicosuck, w<sup>ch</sup> was purchased by him of the Indian petitioners, w<sup>th</sup> the Courts approbation; & also vpon condition that one of the petitioners, called Wamalancet, doe release to this Court a former grant to him of one hundred acres of land; and the Court doe grant & confirme the sajd island called Wicosucke vnto the peti<sup>c</sup>ōners, with any other Indians that haue or had any true right & propriety in the same before it was purchased; provided, the sajd Indians shall not sell nor alienate the sajd island, or any part thereof, w<sup>th</sup>out this Courts consent; & John Parker & Jonathan Danforth are appointed to lay out this grant of five hundred acres to John Euered, at the charges of the sajd Euered.

Ans<sup>r</sup> to Indi-  
ans peti<sup>c</sup>ōn,  
Nobstow,  
Wanalancet,  
&c, ab<sup>t</sup> island  
in Merrimacke

500 acres land  
gr<sup>ed</sup> to Jn<sup>e</sup>  
Euered alias  
Webb.

\*1<sup>st</sup> Proposall.

[\*558.]

Whither y<sup>e</sup> colours shall be put out at the Castle if any vesselle be coming in bearing 2 topsailes, or w<sup>t</sup>

In answer to the seuerall propo-  
salls made by the cap<sup>t</sup> of the Castle,  
Cap<sup>t</sup> Roger Clap, w<sup>ch</sup> are on file, the

1665.

11 October.

else shall be y<sup>e</sup> rule to be observed in  
y<sup>t</sup> case.

## 2 Prop.

If the coulo<sup>rs</sup> be out at y<sup>e</sup> Castle,  
& any barke or catch passe by & doe  
not strike, w<sup>t</sup> shall be donne in such  
a case.

## 3 Prop.

If any shot be made to any ves-  
sell to cause them to doe y<sup>r</sup> duty, w<sup>t</sup>  
is to be pd, & by whom to be taken.

## 4 Prop.

Whither the 6<sup>s</sup> 8 due from  
strangers shall be taken by y<sup>e</sup> capt<sup>t</sup>  
of the Castle or his order, & he  
giue acco<sup>t</sup> yearly to y<sup>e</sup> Tresurer, &  
whither stoppage of shipp<sup>s</sup> w<sup>ch</sup> have  
not cleared may be donne w<sup>th</sup>out fur-  
ther order.

## 5 Prop.

Whither the capt<sup>t</sup> of y<sup>e</sup> Castle  
may procure roads ankers for boates,  
triming when they are leakye, & signe  
a bill to y<sup>e</sup> Tresurer, or how els it  
shall be donne.

## 6 Prop.

How & by w<sup>t</sup> way y<sup>e</sup> souldiers

Court declares, that they leaue it to  
the present comāder at the Castle as  
he shall judge meete to aduance the  
coulo<sup>rs</sup> there, he attending vnto his  
comission & the security of the coun-  
try by all due care & watchfulnes, so  
as they be not surprised by lesser as  
well as greater vessells.

To the 2<sup>d</sup> & third. That if the  
coulo<sup>rs</sup> be advanced on the Castle,  
then all vessels coming by carrying  
any topsaile, they ought to shew their  
subjection by lowring; & in case of  
neglect, a shot to be made, for which  
the sajd master of the sajd vessell  
shall pay sixe shillings eight pence;  
& if a second shott be made, he shall  
pay thirteene shillings & fower pence  
more; and the captaine or comāder  
to take the same, he giving accompt  
thereof to the Treasurer.

To the 4<sup>th</sup>. What is to be paid  
in that case, the captaine, or by his  
order, to receave the same, giving  
accountm<sup>t</sup> thereof to the Treasurer, &  
they not to passe out till they haue  
dischardged what the lawe requires.

To the 5<sup>th</sup>. That such things as  
are necessary in respect of the things  
named, or such like, either the cap-  
taines order by bill to any, or his  
owne accountm<sup>t</sup>, the Treasurer to al-  
low on the cuntry account.

To the 6<sup>th</sup>. If the order already

who are listed for y<sup>e</sup> Castle shall be conveyed doune in case of an alarum & vpon three days of trayning.

7 Prop.

What shall be y<sup>e</sup> alarum of y<sup>e</sup> Castle.

8 Pro.

W<sup>th</sup>er three days trayning in a yeare be not sufficient, seeing y<sup>e</sup> dayes must be all in y<sup>e</sup> summer, when dayes are long, because some of the souldiers must come 7 miles, w<sup>th</sup> their armes, if not more, & the spring & fall is very windy, & sometimes cold.

9 Prop.

Whither this Court will appoint & order the drummer some 10<sup>s</sup> or 12<sup>s</sup> p annū, if there be not fines for defects to pay him so much.

10 Prop.

Whither this Court will please to order y<sup>e</sup> Tresurer to appoint some tounse to send vs some wood.

made, August last, provide not in that case, they judge it necessary that boate or boates be pressed by order from the Gouverno<sup>r</sup> or any other magistrate. & the charge to be payd by the Tresurer of the country.

To the 7<sup>th</sup>. The alarum at the Castle shall be the advancing of two coulo<sup>rs</sup> vpon one staffe, one aboute the other, & the firing of two great gunns, if in the day time ; if in the night the alarum be given, it shall be by firing two gunns, & making a fire in the most vissible part of the island.

To the 8<sup>th</sup>. The order of Court already hath stated it.

To the 9<sup>th</sup> & 12<sup>th</sup> propp<sup>d</sup>. That a drumme, & pattizan, & holbards be provided by the charge of the country, & there to remajne, & no other pay to bee allowed for the ordinary traynings.

To the 10<sup>th</sup>. The Tresurer hath answered in the affirmatiue ; and it is ordered, that he shall take care it may be timely donne, the garrison allowing for it out of their sallery if other provision be not made.

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11 Prop.

Whither y<sup>e</sup> listed souldiers be-  
longinge to the Castle must not haue  
alwayes by them fixt armes of y<sup>eir</sup>  
oune, & y<sup>e</sup> same quantity of powder  
& bullets as other souldiers haue,  
vpon the same pœnalty.

To the 11<sup>th</sup>. They answer in the  
affirmatiue.

12 Prop.

Whither this Court will be  
pleased to appoint the Tresurer to  
provide or to pay for a patison, hol-  
bards, &c, & such armes so provided  
still to remajne to be the countrjes,  
& y<sup>e</sup> officers to keepe them in  
repaire.

13 Prop.

Whither the Castle shall salute  
first any shippes coming from Eng-  
land about his maj<sup>ties</sup> service.

p ROGER CLAP,

Cap<sup>t</sup> of y<sup>e</sup> Castle.

To the 13<sup>th</sup>. They judge it meete,  
that if any of his majestjes ships  
should come, that the Castle salute  
them first.

That these aboue written are the  
Courts seuerall answers to the seuer-  
all propositions made by Cap<sup>t</sup> Roger  
Clap, cap<sup>t</sup> of the Castle, written in  
the margent, attests

EDW: RAWSON, Secre<sup>ty</sup>.

[\*559.]

Courts ans<sup>r</sup> &  
judgm<sup>t</sup> in M<sup>r</sup>  
Tilly & his  
wives case.

\*In ans<sup>r</sup> to the petition of M<sup>r</sup> Willjam Tilley, the Court, hauing heard  
what he & his wife could say for themselues, judge meete to order & enjoine  
M<sup>r</sup> Tilley & his wife forthwith to liue together as man & wife, that M<sup>r</sup> Tilly  
provide for hir as his wife, & that shee submitt herselfe to him as she ought,  
on the pœnalty of forty pounds on his part, & imprisonment on hers.

Ans<sup>r</sup> to Jn<sup>o</sup>  
Sternes peti-  
con.

In ans<sup>r</sup> to the petition of John Sternes, of Billirrica, humbly craving an  
abatement or remittment of his fine, imposed on him by the County Court at  
Charls Toune, the Court sees no cause or reason for any abatement.

Ans<sup>r</sup> to Jn<sup>o</sup>  
Euereds peti-  
con.

In ans<sup>r</sup> to the petition of Jn<sup>o</sup> Euered aljas Webb, humbly craving this  
Courts favo<sup>r</sup>, &c, the Court, on hearing of what M<sup>r</sup> Jn<sup>o</sup> Euered sajd in open

Court, judge it meet to discharge him & his sureties from his & their bonds for his good behaviour only at present.

1665.

In ans<sup>r</sup> to the petition of the inhabitants of Rouley, on the one parte, & Zackeus Gold on the other part, the Court, having heard what both parties could say for themselves, judge meete to order, that the farme of three hundred acres, on which Zackeus Gold doeth live, that was formerly M<sup>r</sup> Pajnes & Cap<sup>t</sup> Patricks, shall be liable to pay all charges to Topsfeild till this Court shall take further order, & have priviledges accordingly, and that Zackeus Gold & Rouley shall pay five pounds æqually betweene them for the Courts charges in hearing of the case.

11 October.  
Courts ans<sup>r</sup> &  
judgm<sup>t</sup> in Rou-  
ley & Zackeus  
Golds petition  
& case, to pay  
5<sup>li</sup> æqually be-  
tw. them.

Layd out to the town of Boston, in refference to their free schoole, one thousand acres of land, more or lesse, in the wilderness on the north of Merimake Riuer, vpon a brooke which runnes into a pond, called by the Indians Wisconemuck Pond. It begins at a black oake, standing vpon a ridge of land betweene two meadows, bounded w<sup>th</sup> H on the south east, & w<sup>th</sup> B on the west, which is the most northerly angle of this farme, which line is fower hundred thirty two pole, running south east & by east, vnto a heape of rockes vpon a hill, which is the east angle; & from thence it runnes southwest & by south fower hundred twenty two pole, vnto a walnut tree marked w<sup>th</sup> H; from thence it runns halfe a point northerly of the northwest, fower hundred & sixty poles, vnto a black oake marked w<sup>th</sup> H & C, which is the most southerly angle of this farme, & the north angle of a farme lately lajd out for M<sup>r</sup> Chancy; also, M<sup>r</sup> Chancys farme doe bound it on this east side fower hundred eighty eight pole; & from this black oake it is runne three hundred twenty fower pole, to the first black oake, which is the closing line; all w<sup>ch</sup> is sufficiently bounded, & the figure & forme thereof is more fully demonstrated by a plott taken of the same

May 13<sup>th</sup>, 1664.  
Boston, 1000  
acres for y<sup>r</sup>  
schoole l<sup>d</sup> out

By JONATHAN DANFORTH, Survejo<sup>r</sup>.

The Court approoves of this returne.

In answer to the petition of M<sup>r</sup> John Endecot for the settling of his fathers estate, the Court judgeth it meete, that administration to the estate of the late Jn<sup>o</sup> Endecot, Esq<sup>r</sup>, be granted to M<sup>rs</sup> Elisabeth Endecott & hir two sonnes, John & Zerubbabel, & that an inventory of the said estate be given in to the next County Court at Boston, & they to dispose of the same as the lawe in that case directs.

Administra-  
tion granted  
for settling  
Go<sup>vt</sup><sup>r</sup> Ende-  
cotts estate.

Edward Colcord being three times called, & neither himself nor any

Edw. Colcords  
case dismiss<sup>d</sup>  
Court.

1665.

11 October.  
Order requiring to summon  
Gold & company

other for him appearing, his cause mentioned in his petition was dismissed the Court.

Whereas, at the last Court of Assistants, Thomas Gold & his company, sundry of them, were openly convicted of a schismatically rending from the communion of the churches here, & setting up a public meeting in opposition to the ordinances of Christ here publicly exercised, & were solemnly charged not to persist in such their pernicious practices, yet this notwithstanding, (as this Court is informed,) they do still persist in contemning the authority here established, it is therefore ordered, that the aforesaid Gold & company be summoned before this Court to give an account of such their irregular practices, together with their celebrating the Lords supper by an excommunicated person.

Warrant issued out accordingly.

[\*560.]

\*The parties appeared. After a due hearing what they had to say, the Court proceeded. Whereas Thomas Gold, W<sup>m</sup> Turner, Edward Drinker, Thomas Osborne, & J<sup>n</sup> George, being summoned before the last Court of Assistants, held at Boston in September last, were legally convicted of a schismatically opposition to the churches of Christ here settled, & of profaning the holy appointments of Christ, &, in speciall, the sacraments of baptism & the Lords supper, by administering the same to persons under censure of an approved church among us, & presuming, as a court of these their irreligious & pernicious practices, to declare themselves to be a church of Christ, —

Courts testimony & order  
ag<sup>t</sup> y<sup>e</sup> Anna-  
baptists.

On consideration whereof, the Court solemnly admonished the said persons of their great evil in attempting, with so high a hand, to pollute & profane Gods holy ordinances, they being not only private, but also some of them excommunicate persons, that have intermeddled in the administration of those ordinances, that are proper only to office trust. And also, the said Court solemnly charged them that, for the future, they desist from such their meeting & irreligious practices, as they would answer the contrary at their peril. And whereas Thomas Gold, W<sup>m</sup> Turner, Thomas Osborne, Edward Drinker, & J<sup>n</sup> George were summoned before this Court, & by their own acknowledgment do stand convicted of non observation & submission unto the abovesaid sentence & charge of the Court of Assistants, professing their resolution yet further to proceed in such their irregular practices, thereby as well contemning the authority & laws here established for the maintenance of godliness & honesty, as continuing in the profanation of Gods holy ordinances.

This Court, taking the premisses into their serious consideration, do judge meet to declare, that the said Gold & company are no orderly church

assembly, and that they stand justly convicted of high presumption against the Lord & his holy appointments, as also the peace of this government, against which this Courte doeth account themselues bound to God, to his trueth, & his churches heere planted, to beare their testimony, and doe therefore sentence the sajd Gold, Osborne, Drincker, Turner, & George, such of them as are freemen, to be disfranchised, & all of them, vpon conviction before any one magistrate or Court of their further proceeding herein, to be committed to prison vntill the Generall Court shall take further order w<sup>th</sup> them.

1665.

11 October.

Zeckaryah Roads, being in Court when they were proceeding ag<sup>t</sup> Thō Gold & company, saying in Court that the Court had not to doe w<sup>th</sup> matters of religion, for w<sup>ch</sup> he was committed, being sent for, acknowledging his fault, & declaring he was sorry he had given them any offence, &c, —

The Court, hauing considered of Zekariah Roads answer, given in referring to those expressions of his w<sup>ch</sup> were offensive to the Court, judge meete, vpon his acknowledgement already made, to discharge him the Court, the Gouverno<sup>r</sup> giving him an admonition for his sajd offence.

Roads admon-  
isht to beware  
of being too  
bold w<sup>th</sup> Courts,  
&c.

In answer to the peti<sup>c</sup>ōn or remonstrance of John Hoare, the Court, finding that seuerall of the magistrates, & some others, are impeached for not doing justice, & other complaints of a very high nature, doe therefore order, that a hearing be granted to the peti<sup>c</sup>ōner, & that due notice be given to the complaynant to appeare to make good his seuerall charges, or otherwise to give answer for the same. Notice was giuen accordingly to the sajd Hoare; and the sajd John Hoare appearing in Court, his peti<sup>c</sup>ōn or remonstrance being read, w<sup>th</sup> such evidences as he produced, the Court proceeded as followeth: —

Ans<sup>r</sup> to Jn<sup>o</sup>  
Hoares peti. or  
remonstrance.

Whereas John Hoare, of Concord, hath presented to this Court a petition or remonstranc, wherein he complains of great wrongs & injurjes he hath susteyned as his brothers agent, by reason he could not obteyne justice in some of our Courts of judicature in seuerall actions depending betweene himself, as agent, & Leiu<sup>t</sup> Richard Cooke, of Boston, the Court, having afforded him large liberty & oppertunity to make good his charges, & hauing heard all his allegations, together w<sup>th</sup> such witnesses as were produced to prooue the same, & duely weighed the case, doe judge his complaints to be groundless & vnjust, & his offences to be of a very high nature, tending not only to the disho<sup>n</sup>or of God, but to the scandall & reproach of seuerall of our Courts, ho<sup>n</sup>ored majestates, & officers of Court. That due witnes may be borne against such sinfull practises, & the gouernment of this jurisdic<sup>c</sup>ōn, vnder his majestjes royall charter, may be vpheld & maintajned, this Court doeth order, that

Court sentence  
ag<sup>t</sup> Jn<sup>o</sup> Hoare.

1665.

11 October.

the said Hoare shall find suertjes, bound in one hundred pounds, for his good behaiour during the Courts pleasure, & that henceforth he shall be disabled to plead any cases but his oune in this jurisdiction, & also that he pay as a fine the sume of fifty pounds for such his miscarriages, & be imprisoned till it be paid, or security given for the same. Whereas John Hoare, contrary to the expresse order of the Court, hath w<sup>th</sup>draune himself from the Court before his sentence was declared, the secretary is appointed by the Court to send for him, & require \*the performance of the sentence of this Court to all intents & purposes therein contejned.

Courts judgm<sup>t</sup>  
in M<sup>r</sup> Hues  
case ag<sup>t</sup> M<sup>r</sup>  
Rogers, &c.

In ans<sup>r</sup> to the petition of Joshua Hues, administrato<sup>r</sup> to y<sup>e</sup> estate of the late Joshua Foote, humbly craving a hearing of his case relating to a certeine mortgage passed from y<sup>e</sup> late Joshua Foote to one M<sup>r</sup> Rob<sup>t</sup> Crane, of Cogshall, in Essex in England, the Court, hauing granted a hearing, & the said Hues, & the sonnes of the late M<sup>r</sup> Nathaniel Rogers, grandchildren to the said Craine, (to whom he had given the lands mortgaged,) also appearing, the Court, hauing considered the case betwixt y<sup>e</sup> said Joshua Hues, M<sup>r</sup> Nathaniell, Samuell, Ezekiell, & Timothy Rogers, doe judge & order that the said Hues shall haue liberty to redeeme his mortgage, he paying the sume of two hundred sixty seven pounds two shillings & eleven pence halfe penny, in New England money, at or before the twenty fifth of Aprill next, in the now dwelling house of M<sup>r</sup> John Wilson, of Boston, the said Rogers<sup>s</sup> joyning in the sale if neede be, & receiving the so<sup>m</sup>es the land is sold for, till the afore-said sume of two hundred sixty seven pounds two shillings & eleven pence halfe penny be payd, & then all releases & acquittances to be given by the both partjes, as lawe shall require, & the charges of Court to be æqually borne by plaintiffs & deffendants; the charge of the Courts hearinge of this case, agreed vpon by y<sup>e</sup> whole Court, to be tenn pounds, to be paid by those y<sup>t</sup> engaged it.

Rich. Wooddy  
engaged to y<sup>e</sup>  
Court to pay  
y<sup>e</sup> judgm<sup>t</sup>, as  
costs, &c.

Courts order to  
record y<sup>e</sup>ir nar-  
rative & im-  
provm<sup>t</sup> w<sup>th</sup>  
their transac-  
tions, &c.

Their accept-  
anc of y<sup>e</sup> co<sup>m</sup>it-  
tees labor, &  
thanks re-  
turnd, &c.

Courts order  
requireinge  
secret. to send  
out attacch<sup>t</sup>  
for Ab<sup>r</sup> Corbet,  
w<sup>th</sup> issued out  
y<sup>e</sup> same day, 26  
8ber, 65.

This Court, having pervsed the transactions betweene this Court & his majestjes hono<sup>r</sup>ble co<sup>m</sup>issioners, together w<sup>th</sup> the narrative & improovement thereof therevnto annexed, collected & transmitted to England by a committee of this Court therevnto appointed, doe judge it meete to approoue of the same, & returne them their thanks for their care & payne therein; & doe order the same to be recorded in the Courts booke of reccords by the secretary, and that the co<sup>m</sup>ittee shall & hereby is impowred to send one or more coppies for England, as they shall judge it convenient. The sayd transactions, narrative, & improouement stands recorded in this booke next & i<sup>m</sup>ediately after the Courts acts & lawes in May Court, 65, accordingly, all together.

The whole Court, meeting together, ordered, that the secretary forthw<sup>th</sup>

issue out an attachment from this Court, & direct it to the marshall of Dover & Portsmouth, to apprehend & seaze vpon the person of Abraham Corbet, & him safely to convey to Boston, & to bring him before the Gouverno<sup>r</sup> or Magistrates at Boston to answer for his tumultuous & seditious practises against this gouernment, to be proceeded w<sup>th</sup> as in their wisdomes they shall finde cause.

1665.

11 October.

In the case of Robert Ring, plaintiff, ag<sup>t</sup> the toune of Salisbury, defendt, in an accōn of the case, &c, tried at the last County Court at Salisbury, w<sup>ch</sup> was also tried at the Court of Asistants last, & there the Magis<sup>ts</sup> refusinge the virdict of the jury, coming to this Court for triall, after the jurys virdicts, originall process, & all other evidences at both Courts produced were read, considered of, & remajned on file, the Court confirmed the virdict of the jury at the Court of Asistants, finding for the plaintiff forty nine pounds sixe shillings & fower penc damage, & costs of Courts eighteen pounds sixe shillings.

Courts judgment in Robert Rings case.

As an addition to the lawe, title Inkeepers, it is ordered by this Court & the authority thereof, that where any person or persons whatsoever shall presume to keepe an house of publick entertinement, cookes shop, or shall by retajle sell wine, strong beere, licquors, or cidar w<sup>th</sup>out licence first had & orderly obteyned, or having had license & not renewed, as the lawe requires, or being dischargd for any misdemeano<sup>r</sup> comitted or suffered to be donne in their houses, or in or about the same, it shall be lawfull for any Court or magistrate, on complaint made to them of such misdemeano<sup>r</sup>, to send for such person or persons before them, & being legally convicted of any the aboue sajd offences, to require bond with such sufficient suertjes for the good abbearence of such person or \*persons, & in speciall for their observance of the sajd lawe; & in case of refusall to give such bond w<sup>th</sup> suertjes as is required, the Court or magis<sup>ts</sup> that hath cognisance of such complaint shall comitt such person or persons convicted as abouesajd to prison vntill the next Court of that county.

Addition to y<sup>e</sup> lawe, title Inkeepers.

[\*562.]

In ans<sup>r</sup> to the petiçōn of Thomas Noyes, John Heynes, Josiah Heines, of Sudbury, & Nathaniel Tredaway, of Water Toune, this Court, vnderstanding that there is a meet place for a plantation about tenn miles from Marlborough westward, at or neere Quansicamug Pond, which, that it may be improoued for that end, & not spoyled by granting of farmes, this Court doeth order, that Cap<sup>t</sup> Gookin, Cap<sup>t</sup> Edw<sup>th</sup> Johnson, Leif<sup>t</sup> Joshua Fisher, & Leif<sup>t</sup> Thomas Noyes shall & hereby are appointed & impowred to make a survey of the place, & make returne of their survey to the next Generall Court of Election, who may take order therein as they shall see meete.

Ans<sup>r</sup> to Tho. Noyes, Jn<sup>o</sup> Heynes petiçōn, &c.

1666. *Att a Generall Court of Election, held at Boston, 23<sup>d</sup> of May, 1666.*

23 May.

**R**ICHARD BELLINGHAM, Esq<sup>r</sup>, was chosen Go<sup>v</sup>l for y<sup>e</sup> yeare ensu  
ing, & tooke his oath w<sup>th</sup> allegi.

Francis Willoughby, Esq<sup>r</sup>, was chosen Dep<sup>t</sup> Go<sup>v</sup>no<sup>r</sup>, & also tooke his oath,  
&c, in open Court.

Symon Broadstreet,

Sa<sup>m</sup> Symonds,

Daniel Gookin,

Daniel Dennison,

Symon Willard,

Rich Russell, & Tresurer,

Th<sup>o</sup> Danforth,

W<sup>m</sup> Hathorne,

Eliaz<sup>r</sup> Lusher,

Jn<sup>o</sup> Leueret,

Jn<sup>o</sup> Pinchon,

Edw Rawson was chosen Secretary, & alike tooke his oath.

& Co<sup>m</sup>missioner for y<sup>e</sup> Vnited Colonjes.

Esq<sup>s</sup>, were chosen Asistants, & tooke their  
& Co<sup>m</sup>missioner. [oaths, &c.

& Major Generall.

The names of the deputjes returnd from the seuerall townes to serve at  
this Court were, —

Mr W<sup>m</sup> Broune, Cap<sup>t</sup> George Corwin, Salem.

Cap<sup>t</sup> Francis Norton, Leiu<sup>t</sup> Rich Sprague, Charl Town.

Leiu<sup>t</sup> Hopestil Foster, Mr W<sup>m</sup> Sumner, Dorchester.

Cap<sup>t</sup> Thomas Clarke, Mr Anthony Stoddard, Boston.

Mr W<sup>m</sup> Parkes, Leu<sup>t</sup> Griffin Craft, Roxbury.

Leiu<sup>t</sup> Rich Beers, Mr Sa<sup>m</sup> Thatcher, Water Toune.

Mr Edw Collins, Mr Edw Jackson, Cambridg.

Mr Olliuer Purchis, Lynn.

Mr W<sup>m</sup> Goodhue, Mr Th<sup>o</sup> Bishop, Ipswich.

Mr Henry Seawall, Newbery.

Mr Thomas Dyer, Weimouth.

Leif<sup>t</sup> Jn<sup>o</sup> Thaxter, Hingham.

Cap<sup>t</sup> Tim<sup>o</sup> Wheeler, Concord.

Ensigne Dan<sup>i</sup> Fisher, Dedham.

Cap<sup>t</sup> Th<sup>o</sup> Bradbury, Salisbury.

Cap<sup>t</sup> W<sup>m</sup> Davis, Springfeild.

Mr Sa<sup>m</sup> Dalton, Hampton.

Mr Richard Swann, Rouley.  
 Left Thomas Noyes, Sudbury.  
 Ensigne Moses Pajne, Braintry.  
 Capt Rich Waldern, Douer.  
 Mr W<sup>m</sup> Steevens, Glocester.  
 Mr Nath Fryer, Portsmouth.  
 Capt Edw Johnson, Wooborne.  
 Mr Ralph Wheelock, Meadfeild.  
 Mr W<sup>m</sup> Holton, Northampton.  
 Mr Peter Tilton, Hadley.  
 Mr Thō Hincksman, Chelmsford.  
 Capt Nath Saltonstall, Hauerill.  
 Mr Humphry Davy, Billiria.  
 Mr Charls Gott, for Wenham.  
 W<sup>m</sup> Ward, Marlborough.  
 Steven Kingsly, Milton.  
 Left Jn<sup>o</sup> Osgood, Andiver.  
 Capt Jn<sup>o</sup> Wayt, Marlden.

1666.

23 May.

Cap<sup>t</sup> Richard Walderne was chosen Speak<sup>r</sup> for y<sup>s</sup> session.

\*Whereas this Court hath already provided for the well ordering & settling the militia of this comōn-wealth, as in lawe, title Militaryes, yet, forasmuch as complaints are presented to this Court that the sajd orders are not so attended as is to desired, considering the present juncture of affaires betweene our English nation & forreigne ennemjes who are now engaged in a bloody warre which calls for a prudentiall endeavour of our oune safety against any forreigne invasion or suddaine surprizall, this Court doeth therefore order & enacte, that the sajd military lawes be by all persons therein mentioned forthwith attended in all respects ; and, for the better effecting the same, the major generall is required forthwith, by warrant under his hand to the majo<sup>r</sup>s of the seuerall regiments, to require them to make diligent enquiry into the state of the seuerall companys vnder their charge, & to be certified vnder the hands of the comīssion officers, or cheiffe officers where no comīssion officers are, of each company, of all defects of armes, amunition, or otherwise in euery respect. And the sajd majo<sup>r</sup>s respectiuelly are required to giue speedy advice to the majo<sup>r</sup> generall what postures their sajd regiments are in ; & wherein the sajd majo<sup>r</sup>s cannot of themselues forthwith make redresse of any defects in the sajd companjes, the sajd majo<sup>r</sup>s, with the advice of the majo<sup>r</sup> generall, haue

[\*563.]

Military order  
 impow<sup>r</sup>ing y<sup>e</sup>  
 majors of y<sup>e</sup>  
 regim<sup>t</sup> & major  
 gen. to see y<sup>t</sup>  
 all y<sup>e</sup> armes of  
 y<sup>e</sup> country be  
 readly & duly  
 fixt.

1666.

23 May.  
Penalty for  
defects, 5<sup>li</sup>, &c.

hereby power to vse all lawfull meanes to effect the same. And all inferior officers are hereby required to yeild ready obedience to all such warrants sent to them by the sajd major's respectiue, or major generall, vpon the pœnalty of fine pounds for euery defect, to be levjed by distresse by such person as the sajd major generall & major's of the regiments shall depute, which sajd fines shall be for a stocke of powder for the sajd company where the defects arise from time to time. And whereas seuerall townes in this jurisdiction are not vnder the comãd of any serjant major, as Douer, Portsmouth, &c, as also the townes in the county of Hampshire, it is ordered, that the major generall take care for the regulating of the military affaires of such townes till they are brought vnder a major, as in other counties; & all millitary officers of such places are required obedienc to the orders of the major generall from time to time, vpon the pœnalty aboue mentioned for euery defect.

Order encour-  
aging saltpee-  
ter & powder  
makers.

Whereas there is a necessity of having supply of gunpowder in this jurisdiction, and forasmuch as Serjeant Richard Wooddey, of Boston, in the county of Suffolke, & M<sup>r</sup> Henry Russell, of Ipswitch, in the county of Essex, haue been & are vppon the worke, & in preparation for salt peeter, for their future encouragement, or any other that shall appeare to attend the promoting thereof, —

Rich. Wood-  
dey, &c, for  
Suffolke &  
Midlesex.

Henry Russell  
for Essex, &c.

This Court doeth declare & order, that the sajd Richard Wooddey & Henry Russell are impouered to goe on & proceed in the sajd worke; & for their encouragement, it is ordered by this Court & the authority thereof, that the sajd Richard Wooddey & Henry Russell, or such as are imployed by them, haue power from time to time to digge earth & take water fitt for to make salt peeter licquor in any outhouses at seasonable times, so that the ouno<sup>r</sup>s of the places where such earth is to be had be not damnified thereby, but that they leaue the places in as good condition as they finde them; and in case they, the sajd persons, shall stand in neede of carts for the carriage of licquors, tubbs, or other materialls for the carrying an end of this worke, it shall be lawfull for any one magistrate to grant warrant to the constable of that toun (where the occasion ariseth, vppon the persons desire) for to presse teames & carts for their vse, they paying the ordinary prize vnto such so impressed accordinge to the price of these places.

It is further ordered by this Court, that the sajd persons haue liberty to sett vp vessells in so many places as they please (not being of publique annoy-  
ance) for the making of their licquor; & they haue liberty in any comon ground in a convenient place to digg earth & make banks for to make peeter, provided they doe it w<sup>th</sup> the knowledge of the select townesmen, who are hereby ordered to be asisting & encouraging of them in this worke, and that

the said Richard Wooddey & partners haue this liberty in Suffolke & Middlesex, & Henry Russell in Essex, vntill the Generall Court see cause to allow any other; & then there shallbe a diuission made as may give encouragement to all. It is also hereby ordered, that the lawes passed many yeares since, for the saving of vrine in the severall tounes, be revived & put in execution.

1666.

23 May.

\*Whereas the sinn of drunkenes amongst the Indians doth much increase, notwithstanding the lawes provided against that crying sinne, —

[\*564.]

This Court doeth therefore order, that any person or persons that shall see, know, or finde any Indian w<sup>th</sup> any strong licquors, wine, or strong drinke, that such Indians haue any way gotten w<sup>thout</sup> order as the lawe directs, shall haue power to seize the same, & to deliuer the said strong drinks to the constables of the toun or place where such Indians are found, w<sup>th</sup> their persons, to be conveyed before some magistrate or comissioner who haue power to deale in such cases; & such Indians as are found druncke, being apphended, & will not confess how or where they had the said wine, licquors, or strong drinke, shall be secured or imprisoned vntill they make a just acknowledgment where they had their drinke aforesaid, or committed to the house of correction, (or secured,) & there labor to discharge the charge of their provision.

Order to prevent drunkenes in Indians.

Their strong licquors, &c., to be seized by any person.

If they refuse to confess, &c., to be committed to prison or house of correction.

And if any such Indian doe accuse any person soe selling or deliuering strong drinck unto them, such Indian accusation shall be accounted valid against any such persons accused, except such persons shall cleare themselves by takinge their oath to the contrary, any law or custome to the contrary notwithstanding.

Their accusation of any person to be euident, unless y<sup>e</sup> p<sup>t</sup> cleare himself on oath, &c.

And it is also further ordered, that whatsoever Indian shall heereafter be taken druncke shall pay the sume of tenn shillings, or els be whipt by laying on tenn stripes, accordinge to the discretion of the judge, whither magistrate or comissioner, who shall haue cognisance of the case; and in all tounes where no magistrate or comissioners are, such cases shallbe judged by the selectmen, or major part of them.

If drunck, to pay x<sup>s</sup> or be whipt w<sup>th</sup> x stripes.

Wee, the subscribers, being appointed a comittee by this honoured Court to vejw the batterjes lately erected by Major Generall Jn<sup>o</sup> Leueret, w<sup>th</sup> the aduice of the comittee of militia in Boston, accordingly attended that seruice, and vnder the conduct of the said major generall, wee entred a well contriued fort, called Boston Sconce; the artillery therein is of good force & well mounted, the gunner attending the same; the forme thereof suiteable to the place, so as to scower the harbour, to the full length of their shott, euery way;

Comittees returne about the sconce in Boston.

1666.

23 May.

it is spacious w<sup>thin</sup>, that the trauerse of one gunne will not hinder the others course; and for defence, the foundation is of stone, & well banked w<sup>th</sup> earth for dulling the shott & hindering execution; finally, wee apphend it to be the compleatest worke of that kind which hitherto hath been erected in this country. Wee also tooke survey of another worke on the north side of Boston, called Merrjes Point, rayesd with stones. The foundation is defended from the violenc of the sea w<sup>th</sup> spyles & plancks; the wall of a considerable thicknes, yet lesse safe then the other, by reason of the sharpe edges next the cannon, & widenens of the ports w<sup>thin</sup>, which beinge faced w<sup>th</sup> strong timbers, as is intended, willbe much better.

To conclude: wee judge the defence to be considerable, & the offence to be avajleable (by Gods blessing) for the thing intended, for w<sup>ch</sup> the actors & contrivers, whereof Major Generall Leueritt hath beene the cheife, both in contriving, acting, & disbursing, deserues the thanks of this Court, & all due encouragement. Boston Sconce hath nine gunns mounted, & fflower more intended, w<sup>thout</sup>, and seven at Merrjes Point. All w<sup>ch</sup> wee submitt to the wisdom of this Court, & subscribe ourselues,

Your servants,

GEORGE CORWIN,  
W<sup>m</sup> HAUTHORN,  
FRANCIS WILLOUGHBY,  
PETER TILTON,  
TH<sup>o</sup> BRADBURY,  
EDWARD JOHNSON,  
TIMOTHY WHEELER.

Courts thanks  
to Maj<sup>r</sup> Gener-  
all Leuerets &  
recompenc.

Whereas Major Generall Leueret was appointed by the Generall Court of Election, May the 3<sup>d</sup>, 1665, w<sup>th</sup> the aduice of the comitte of militia of Boston, to take speciall care ffor compleating the batteryes at the sajd toune, & mounting the great artillery, w<sup>th</sup> all meete provisions for the same, and this Court hauing requested a comitte of sundry gentlemen to vejw the sajd batterjes & great artillery, who haue made their report that they finde the same to be well & sufficiently repayred, & together with the same, a new battery erected, called the Sconce, scittuated on the south side of Boston, exceedinge all the other batterjes for defence of the toune, & offence against such enemjes as may attempt their damage, all which, by the order of the militia of the sajd toune, haue been effected by the great care, paines, & expences of the aboue named Major Geñll Leueret, —

This Court, considering the premisses, doe desire & order the Gouverno<sup>r</sup> to returne the sajd majo<sup>r</sup> generall the thanks of this Court, & as a gratuity

for his care & paines in effectinge the same, doe order the Treasurer of the country to pay him out of the next country rate one hundred pounds.

1666.

23 May.

[\*565.]

\*Whereas, in the comission to be granted by law, title Military, secti 11, to the militia of Boston, the sajd militia are to take charge of all fortifications w<sup>th</sup>in the sajd toune, w<sup>th</sup> all the am<sup>n</sup>ition & ordinance to the same belongi<sup>n</sup>, & that by the sajd comission they are to haue in readiness one barrell of powder, w<sup>th</sup> twelve shott, & fiue pound of match, for euery sixe peece of ordinance.

Order requiring y<sup>e</sup> survejors to give forth powder, shott, & match for Boston fortifications.

It is ordered by this Court, that the survejors ge<sup>n</sup> shall deliuer to the sajd comitte<sup>e</sup> the proportion of powder, shott, & math, according to the number of gunns mounted in the fortifications of the sd Boston.

The Court, considering that the tounes & harbo<sup>r</sup>s of Salem & Marblehead lye too open & exposed to danger, & that due care & meanes haue not been impou<sup>r</sup>ed for their defence & security, —

The Courts in couragem<sup>t</sup> to Salem to erect a fort there.

It is ordered, that the toune of Salem, erecting a worke or battery vpon some convenient place vpon their harbo<sup>r</sup>, by advice & direction of the major generall, shall haue the like incouragement, by abatement of the country rate, as was allowed in like case to Boston & Charls Toune; and for the orderly & better carrying on of the sajd worke, Cap<sup>t</sup> Georg Corwin is hereby desired & impow<sup>r</sup>ed to improoue all meanes for the speedy effecting of this worke, and the comitte<sup>e</sup> of militia of Salem desired to advise & asist him in the busines.

By advice of y<sup>e</sup> major generall, left to Cap<sup>t</sup> Georg Corwin to effecte.

And it is further ordered, that Majo<sup>r</sup> Hathorne is desired & impow<sup>r</sup>ed to take into his care & charge the toune & inhabitants of Marblehead, that they be armed & disciplined, in order to their being formed into a company, and that Samuel Ward doe, vnder the sajd major, exercise the office & place of a sarjant ouer the sajd persons & inhabitants of Marblehead, requiring them to attend the orders, directions, & com<sup>a</sup>nds of the sajd Majo<sup>r</sup> Hathorne, & the sajd Samuel Ward as a serjant. And for the incouragement of the sd inhabitants in erecting some convenient worke or battery vpon their harbo<sup>r</sup>, by the advice of Majo<sup>r</sup> Hathorne, this Court doeth & will allow the like encouragement as to Salem, Boston, &c, by abatement of their country rate; & further, will order them two or three gunns, when they shall haue made a worke to secure them.

The like order for Marblehead, who are put under Major Hathorne & Sam. Ward as serjant.

It is ordered, that the secretary, on the request of all such as are admitted to the freedome of this colony, or any in their behalf, give a true copie, out of this Courts reccords, of their names, by them to be deliuered to the clarkes or recorders of those Courts in the seuerall countys to w<sup>ch</sup> they doe

Secretary to give copies to such as are admitted to freedom, &c.

1666.

23 May.  
The committee  
to take y<sup>e</sup>  
Tresurers ac-  
count.

belong, w<sup>th</sup> a copie of the oath of freemen, as it is now stated, that they may there take their oaths, &c.

It is ordered, that Cap<sup>t</sup> Thomas Clarke, Cap<sup>t</sup> Francis Norton, M<sup>r</sup> Edward Collins, & M<sup>r</sup> Anthony Stoddard are appointed & impowered as a committee to take the Tresurers accounts, as formerly they were desired, as soone as the Treasurer shall be ready for the same, & make returne to the next session of this Court.

Ans<sup>r</sup> to Peter  
Places peti<sup>o</sup>n.

In answer to the peti<sup>o</sup>n of Peter Place, humbly desiring the fauour of this Court to remitt or abate, as they shall see meet, the fine of forty pounds, for seling rume to y<sup>e</sup> Indians ignorantly by his wife in his absenc, the Court judgeth it meete to order the peti<sup>o</sup>ner to pay only twenty pounds, there being five quarts of y<sup>e</sup> licquo<sup>r</sup> sold returnd to y<sup>e</sup> peti<sup>o</sup>ner, & the mony to y<sup>e</sup> Indians, & not being willing to vndoe y<sup>e</sup> peti<sup>o</sup>ner.

Nath. Salton-  
stall cap<sup>t</sup>, &c.

In answer to the peti<sup>o</sup>n of the inhabitants of Hauerill, the Court judgeth it meet to allow & confirme their choice of M<sup>r</sup> Nathaniel Saltonstall to be their capitaine, & George Broune to be their ensigne.

Ans<sup>r</sup> to Colo-  
nell Crounes  
peti.

In answer to the peti<sup>o</sup>n of Colonel W<sup>m</sup> Croune, it is ordered, that the peti<sup>o</sup>ner haue a hearing of his case mentioned in his peti<sup>o</sup>n at the next sessions of this Court, the peti<sup>o</sup>ner giving the parties concerned timely notice thereof.

[\*566.]

Comitte about  
Wooborne &  
Billirrikeys  
bounds.

\*In answer to a motion made to this Court by M<sup>r</sup> Humphry Davy, in the behalfe of Billirrikey, that the bounds may be settled betweene them & Wooborne, it is ordered, that M<sup>r</sup> Edward Collins, Cap<sup>t</sup> Timothy Wheeler, & Left<sup>t</sup> Richard Beers do repaire to the place where the ground of the differenc doe arise, and according to what shall appeare to be the right of each place by grant from this Court, & not otherwise determined by the mutuall concession of the grantees or their assignes, to settle the lines betweene the sajd townes, beinge authorized & impowred as a committee for that end; and what they shall doe herein to be a finall issue of that controuersy, & returne it to this Court to be recorded.

Comitte to  
runne Hauerill  
bounds.

Itt is ordered, that Left<sup>t</sup> Thomas Noyes, of Sudbury, John Parker, of Billirrikey, & Left<sup>t</sup> Challice, of Salisbury new toune, shall & hereby are appointed a committee to runn the bounds of the toune of Hauerill, & make returne thereof to the next session of this Court.

Courts ans<sup>r</sup> to  
New Salisbury  
inhabit. peti-  
o<sup>n</sup>, & they a  
touneship  
granted them,  
&c.

In answer to the peti<sup>o</sup>n of the inhabitants of New Salisbury, this Court doeth grant them the liberty of a touneship, according to the agreement with the old toune, & that vpon their providing a minister approoved off according as the law provides, they then to be taken of from contributing to the minister of y<sup>e</sup> old toune.

In answer to the petiçon of John Hoare, humbly desiring the favour of this Court to release him of his bonds of good behaviour, & to make such abatement of his fine as their wisdoms shall judge meete, —

1666.

23 May.

The Court judgeth it meete, & orders, the petiçoner be released his bonds of good behauior, & that twenty pounds of his fine be abated him.


Ans<sup>r</sup> to Jn<sup>o</sup> Hoares petiçon, release his good behauior, 20<sup>th</sup> of his fine abated him.

In ans<sup>r</sup> to the petiçon of Anne Shapley, & Joseph, hir sonne, excecatrix & excecutor to y<sup>e</sup> last will & testament of Nicholas Shapley, the Court, not knowing whither they fully vnderstand the petiçoners intent therein, conceiving the case therein presented to be more proper to the cognisance of the County Courts of Midlesex, judged it meete to referr the determination thereof to those Courts.

Ans<sup>r</sup> to Anne Shapleys petiço.

In answer to the petiçon of M<sup>rs</sup> Margaret Rogers & M<sup>r</sup> John Whiple, this Court judgeth it meete to grant the petitioners a hearing of the case therein mentioned at the next sessions of this Court in October next, on the second day of the Courts sitting, they giving legall notice to the excecatrix of the late M<sup>r</sup> Ezekiel Rogers to attend at the time.

Ans<sup>r</sup> to M<sup>rs</sup> Rogers, M<sup>r</sup> Whiples petiçon for a hearing, &c.

In answer to the request of Joseph Parker, in the behalfe of the toun of Groaten, that this mark  may be recorded as their tounes brandmarke, the Court grants their request.

Groaten brand-mrke, Sz

Capt James Johnson appearing before the Governo<sup>r</sup> & Magistrates, & mooving, out of his sence of his oune weaknes & innability to mannage his captains place, & expressing his willingnes to be dismist from that service, —

Capt Johnson resignation of his cap<sup>t</sup> plac had y<sup>e</sup> Courts thanks, &c.

The Court judgeth it meete to accept of his motion, & doe order Major Eliazer Lusher, major of the regiment, to give him the thanks of this Court for his former service, & to issue out his warrants to the company to goe to a new election.

Warrant to issue out for a new cap<sup>t</sup>.

On the request of the deputjes of the county of Norfolke, Major Symon Willard is appointed by this Court to keepe the County Courts at Hampton & Salisbury for the yeare ensuing.

Major Willard to keepe Norfolk County Courts.

In refference to an order of the Generall Court, 1663, wee, whose names are herevnto subscribed, did meete the 8<sup>th</sup> June, 1664, on the Gouverno<sup>r</sup>, Jn<sup>o</sup> Endecot, Esq<sup>r</sup>, his farme, at Ipswich Riuer, to setle the farme, & the controversy that hath been betweene Zackeus Gold & y<sup>e</sup> Gouverno<sup>r</sup>, and wee settled the Gouverno<sup>r</sup>s five hundred & fifty acres w<sup>th</sup>in the fower lynes marked by M<sup>r</sup> Danforth & a litle brooke that runns into Ipswich Riuer, & so vp to a smale grendle mentioned in the Court order; & the quantity of land aboue the five hundred & fifty acres wee tooke of at the north west angle, according to the order of Court, & stated the bounds betweene the Gouverno<sup>r</sup>s farme and

Controüsy betwene the Gouvernor, En decott, & Sackcus Gold ab<sup>t</sup> land on Ipswich Riuer settled.

1665. Zackeus Gold by a maple; marked, by the brooke side, & so to a litle white oake, marked, by a smale grindle, & from thence uppon a streight line thirty two rod w<sup>th</sup>in the station tree at y<sup>e</sup> southwest angle, which was marked by M<sup>r</sup> Danforth.

WILLJAM HATHORNE,  
JOSHUA FISHER.

The Court allowes of this returne.

[\*567.]      \*In answer to the petition of Willjam Kent, humbly desiring this Courts favo<sup>r</sup> to graunt him license to keepe a cooks shop in Boston, to w<sup>ch</sup> trade he served an apprenticeship in England, the Court judgeth it meete to referr him to the County Court at Boston, w<sup>th</sup> power to mittigate his fine as to them shall seeme meete.

Ans<sup>r</sup> to W<sup>m</sup>  
Kents peti-  
cion.

In answer to the peti<sup>cion</sup> of John Lewis, humbly desiring the like favo<sup>r</sup> of a licenc for a cookes shop, &c, it is ordered, that he be referred to the County Court in Boston, to be determined as they shall see meete.

Ans<sup>r</sup> to Leff  
Ri. Cookes  
peti<sup>cion</sup>.

In answer to the peti<sup>cion</sup> of Richard Cooke, the Court graunts his request, i. e., liberty to put in his ans<sup>r</sup> to M<sup>r</sup> Nicholas Paige, & Anna, his wives, declaration in writing to this Court.

Ans to Joseph  
Parsons peti-  
tion.

In answer to the peti<sup>cion</sup> of Joseph Parsons, of North Hampton, the Court judgeth meete to order the peti<sup>cion</sup>er to present Cap<sup>t</sup> Pinchon w<sup>th</sup> a certifficat from some knoune persons of that toune, that he is such a one as the lawe directs, to be presented by him to the next Generall Court.

Ans<sup>r</sup> to Lydia  
Pennimans  
peti<sup>cion</sup>.

In answer to the petition of Lyddia, widdow of James Pennyman, the Court, having read & perused hir peti<sup>cion</sup>, as also the imperfect will of hir late husband, w<sup>th</sup> the order of the County Court of Suffolke made there vpon, see no cause to make any alteration in the premisses, but leaue the petitioner to act in this hir trust accordinge to the power already comitted to hir.

Ans<sup>r</sup> to W<sup>m</sup>  
Hudsons peti-  
cion for laying  
out his 500 ac<sup>s</sup>  
purch<sup>t</sup> from  
M<sup>r</sup> W<sup>m</sup> Jeffe-  
rys.

In answer to the petition of Willjam Hudson, humbly desiring the favo<sup>r</sup> of this Court that Leiu<sup>t</sup> Fisher, &c, be appointed to lay out the fve hundred acres w<sup>ch</sup> he purchased of M<sup>r</sup> W<sup>m</sup> Jefferys, granted him the 16 October, 1660, on the south line of our patent, &c, —

It is ordered, that Leiften<sup>nt</sup> Joshua Fisher & Ensigne Daniel Fishejr be a comitte<sup>e</sup>, & lay out the land mentioned in this petition according to grant, on the south line of our patent, provided it intrench not on any former grants.

Ans<sup>r</sup> to Cap<sup>t</sup>  
Bredons peti-  
cion.

In answer to the peti<sup>cion</sup> of Cap<sup>t</sup> Th<sup>o</sup> Bredon, it was ordered, that his peti<sup>cion</sup> & y<sup>e</sup> answer of it, as to hearing all partjes, & determining of it, is

referred to Charles Toune Court, the petiçoner giving notice to all partjes concerned.

1666.

In answer to the petition of Nathaniel Bishop & Hope Allin, curriers, humbly desiring the favo<sup>r</sup> of this Court so to order it that tanners & shoemakers may not excersise the trade of a currier, &c, the Court judgeth it not meete to grant y<sup>e</sup> petiçoners request.

23 May.  
Ans<sup>r</sup> to Nath.  
Bishop & Hope  
Allins petiço.

Whereas the honorable Generall Court hauing formerly granted to the toune of Reading a tract of land of two miles, lying betweene their grant of fower miles, & M<sup>r</sup> Bellinghams farme & the Great Riuer, & also ordered them to haue it lajd out sometime before this Court sate, — att the request of the toune this plat of land is lajd out, & returnd buttelled & bounded as followeth: Runing from a pine tree at A, north by y<sup>e</sup> compasse sixe hundred rodds, joynes to the toune of Reading land vnto B, to the top of a rocky hill; & from B east two hundred sixty eight rodds, to an oake tree at C, marked R B, & joynes to Andiver land, and from C south south east 8 deg. 30 to E, ffiue hundred seventy six rods: this lje joynes vppon the Gouvernors farme to a black oake tree at D, marked R B, & this lje joynes vpon M<sup>r</sup> Bellinghams farme; the fowerth lje runs from D E B N, two hundred thirty six rods, to a walnut tree at E, & joynes also on M<sup>r</sup> Bellinghams farme the fifth line from E, south east & be south, two hundred & fower rods, to a black oake in Salem line at F, which lje joynes vpon the farme of Thomas Fuller: the sixt line runs from F west south west 2<sup>d</sup> S, fower hundred & twenty rods, to a blacke oake at G, the which line is Salem bounds: the 7<sup>th</sup> lje from G, west by north 7 d. no., fiue hundred sixty eight rods, to a pine tree at A, alongst the riuer side.

Reddinge 2  
miles.  
26 3 66 lajd  
out.

P me, ELISHA HUTCHINSON.

The Court allowes of this returne, provided it intrench not on any former graunts.

In answer to the petition of Richard Scamon, of Portsmouth, that married Prudence, the only daughter of Willjam Walderne, long since deceased, the Court, hauinge read & perused his petiçon, & such other papers as were presented, referringe to his case, & conferred w<sup>th</sup> such other persons as could give light therein, finding the petiçoner to haue married the said Prudence, daughter to the said Willjam Walderne, who, as he pleads, was partner w<sup>th</sup> Shrewsbury men, which may appeare by a deed or deeds of sale in the possession of the secretary, to which estate of the said Walderne he is heire by his marriage, as aforesaid, — the premisses considered, the Court judgeth it meete to grant the petiçoners request, that all books & writtings, with what

Ans<sup>r</sup> to Rich.  
Scamons peti-  
çon.

1666.

23 May.  
\*568.]

lands remajne, w<sup>th</sup>out alljensation, he may take into his possession, &c, provided he give sufficient security to respend the \*creditors to the estate of the sajd Willjam Walderne, & to the partners in that share or tract of land apperteyning to Shrewsbery men & their heires, & leavinge on file a true copie of all such deeds, signed by the secretary, & by him so acknouledged.

Courts ans<sup>r</sup> to  
Bridget Win-  
dow & James  
Trauiss pet<sup>rs</sup>.

In answer to the petition of Bridget Window & hir sonne, James Trauis, the Court hauing considered the grounds of their petitions, doe order that the County Court for Essex doe give the petitioners & his mother such just releife, as on a further hearing of their complaints, may appeare to be just & regular.

Land lajd out  
to Cap<sup>t</sup> Rich.  
Dauenp<sup>rt</sup>.

Lajd out according to the grant of the honored Court, to Cap<sup>t</sup> Richard Dauenport, one hundred acres of land, in the wilderness, on the eastern side of Merremack River, next adjoyning to a meadow called Halfe Moone meadow, on the west side of it, begininge at the most southerly bound marke of that meadow, at a great white oake, marked w<sup>th</sup> D, and from this tree the lje runs due west ninety & six pole; the line at the north end runns parrell to the south end from another great white oake, bounded w<sup>th</sup> D, standing at the north west end of the meadow, eighty & fower pole; the west side is one streight lje from corner to corner, whjch line is one hundred seventy & nine pole long; the manner & forme of its lying and adjoyning to Halfe Moone meadow is clearely demonstrated by a plott taken of the same.

By JONATHAN DANFORTH, Surveyor.

The Court allowes & approoues of this returne, to be recorded in the Courts booke of reccords.

Courtsgratuity  
to Cap<sup>t</sup> Dau-  
enports relict.

It is ordered, that the Tresurer satisfy the widdow & relict of the late Cap<sup>t</sup> Richard Dauenport for such time as was wanting to compleate his yeare, from the 15<sup>th</sup> of July to the 27<sup>th</sup> of September, as to his sallery for that time, as a respect to the deceased, & to & for his relicts benefitt, so as the summe excede not twenty pounds.

M<sup>r</sup> Abraham Corbett being bound ouer to this Court to answer to what should be lajd ag<sup>t</sup> him, &c, at last, after default was made by his non appearance, he appearing, the Court read the commissioners returne, & hearing his answers to the evidences produced, proceeded:—

Courts censure  
of M<sup>r</sup> Abraham  
Corbet.

Whereas Abraham Corbett, of Portsmouth, stands convicted of a seditious practize, stiringe vp sundry the inhabitants of the place where he liues to discontent against the gouernment & lawes heere established, entertheyning in his house such persons as are his complices in these his proceedings, & by

the information of our commissioners, late sent vp on the place to enquire of the proceeds of sundry malecontents, the said Corbet is rendered to be, in his course & practise, the cause of much trouble to the peace of his neyghbo's, & contrary to the lawe, by keeping a house of common enterテインement, is a seminary of much vice & wickednes, this Court doeth therefore order, that the said Corbett shall give one hundred pounds pond, w<sup>th</sup> sufficient security for his peaceable demeano<sup>r</sup> for the future, & observance of the lawes, prohibitinge his irregular practises by retayling of beere, cidar, wine, or licquors, & that he shall also be disabled from bearing any office in the toune where he liues, or in the commonwealth, and all during the pleasure of this Court; and that he also pay a fine of twenty pounds, & costs five pounds, for his apphention & bringinge doune.

1666.

23 May.

He is fined 20<sup>l</sup>,  
& 5<sup>l</sup> costs.

Abraham Corbet came into the Court, & acknowledged himself as principle, bound in one hundred pounds, & Cap<sup>t</sup> Thomas Bredon & Edmond Dounes, his suertjes, in fifty pounds apeece, acknowledged themselues, their heires, executtors, &c, bound respectiue in the summes aboue mentioned, to Richard Russell, Esq<sup>r</sup>, Tresurer of this jurisdiction, on this condition: that the said Abraham Corbet shall observe, & keepe, & performe the sentence of the Court in all respects.

His bond.

In ans<sup>r</sup> to the petiçon of Robert Wills, who, on the 15<sup>th</sup> July, 65, was on the service of the country at y<sup>e</sup> Castle, & suffered under y<sup>t</sup> solemne stroke of thunder y<sup>t</sup> tooke away Cap<sup>t</sup> Dauenport, & is not as yet capable to worke in his callinge, petitioning for releife, the Court judgeth it meete to refferr him to Major Generall Leueret, who hath power in this case, & in like cases hath given releife & supply to such as suffered in the same.

Ans<sup>r</sup> to Rob<sup>t</sup>  
Wills petiçon.

In answer to the petiçon of M<sup>r</sup> Richard Du<sup>m</sup>er, on diuers considerations in his petiçon exprest, craving the Courts favour to grant him a farme, the Court judgeth it meete to grant to the petiçoner & his heires five hundred acres of land, free of former grants.

Ans<sup>r</sup> to M<sup>r</sup>  
Du<sup>m</sup>ers peti-  
çon, 500 ac<sup>s</sup>  
of land gr<sup>ted</sup>  
him.

In ans<sup>r</sup> to the petiçon of John Cheekley, this Court, hauing considered & perused his petition, and the seuerall particulars therein conteyned, see no cause of complaint in any, except the case w<sup>ch</sup> the petitioner calls a greivance, respecting the manner of levying an execution, wherein a due course of lawe hath not bine attended; & therefore leaues y<sup>e</sup> petitioner to take his remedy against any y<sup>t</sup> did him wrong, in such a way as the lawe provides.

Ans. to M<sup>r</sup>  
Cheeklys peti-  
tion

\*In ans<sup>r</sup> to the motion & request of Nathaniel Fryer, deputy for Portsmouth, the Court judgeth it meete to desier and appoint the honoured Dep<sup>t</sup> Gouverno<sup>r</sup> & Major Generall John Leueret, or either of them, to keepe the next County Court at Portsmouth in June next.

[\*569.]

Dep<sup>t</sup> Gov<sup>r</sup> &  
maj<sup>r</sup> gen<sup>l</sup> to  
keepe Ports-  
mouth Court.

1666.

23 May.  
Comitte to  
consider of a  
fortification at  
Portsmouth.  
Portsmouth  
encourag<sup>st</sup>.

And it is ordered, that the honored Dep<sup>t</sup> Gouverno<sup>r</sup> & Majo<sup>r</sup> Generall, on the place, consult w<sup>th</sup> Cap<sup>t</sup> Richard Walderne, M<sup>r</sup> Jn<sup>o</sup> Cutts, M<sup>r</sup> Richard Cutts, M<sup>r</sup> James Pendleton, M<sup>r</sup> Elias Stileman, M<sup>r</sup> Nathaniel Fryer, & M<sup>r</sup> Peter Coffin, & vejw the convenientest place for erecting necessary fortification for the welfare & safety of the place ; & what the sajd magistrates, or either of them, w<sup>th</sup> any fiue of the sajd gentlemen, shall determine to be donne for the ends aforesajd, shall be, w<sup>th</sup> the greatest expedition, mannaged & carryed an end by such person or persons as they shall order & appoint ; and that when the fortification is made, or in such a readynes as to receive great gunns, this Court will not be wanting to such as are in power.

Ans<sup>r</sup> to Joanna  
Greens petti-  
cion.

In answer to the petition of Joanna Greene, widdow, to y<sup>e</sup> late elder, John Green, of Charls Toun, the Court doe declare that the peti<sup>c</sup>ioner, by hir late husbands last will, is impowred to make sale of the house & land therein mentioned, & this Court impowers hir accordingly.

Ans<sup>r</sup> to Phillip  
Whartons  
peti<sup>c</sup>ion.

In answer to the petition of Phillip Wharton, the sajd petition being p<sup>r</sup>vsed, the complaints & motions therein presented, & duely considered, the Court judgeth it meet, that he should apply himself, for releife of his greivances, to the Court of the county of Suffolke, who haue already taken cognizance of this case, to whose wisdom & justice it is left.

Ans<sup>r</sup> to Joseph  
Armitag  
peti<sup>c</sup>ion.

In answer to the petition of Joseph Armitage, the Court sees no ground to lay any exceptions ag<sup>t</sup> the oathes of any relations, except wiues for their husbands, & so e contra in civil cases.

Cap<sup>t</sup> Salton-  
stalls dismis-  
sion.

Cap<sup>t</sup> Nathaniel Saltonstall, beinge ill, is dismissed the service of this Court for this session.

Ans<sup>r</sup> to Wey-  
mans peti<sup>c</sup>ion  
for laying out  
M<sup>r</sup> Coitmors  
500 acres.

In ans<sup>r</sup> to the petition of Francis & John Weyman, it is ordered that M<sup>r</sup> Edward Collins, Cap<sup>t</sup> Tim<sup>o</sup> Wheeler, & Lef<sup>t</sup> Richard Beers, be a comitte<sup>e</sup> impowred to lay out the fiue hundred acres of land mentioned in their peti<sup>c</sup>ion, according to the grant made M<sup>r</sup> Coytmore by the Generall Court, M<sup>r</sup> Collins to appoint time & place of meetinge, the ounors of the land to pay all charges.

Ans<sup>r</sup> to Gloces-  
ter peti<sup>c</sup>ion.

In ans<sup>r</sup> to the peti<sup>c</sup>ion of the inhabitants of Gloucester, that the horsebridg by them erected ouer Chebacco Riuer be by com<sup>o</sup>n charge vp-held, &c, the Court judgeth it meet to referr the peti<sup>c</sup>ioners to the next Court of that county, to whom, in such cases, it is referred to act as y<sup>e</sup> law directs.

Ans<sup>r</sup> to Cap<sup>t</sup>  
Pinchons peti-  
cion.

John Euered  
aljas Webb his  
freedom from  
y<sup>e</sup> Courts  
sentenc.

In ans<sup>r</sup> to the peti<sup>c</sup>ion of Cap<sup>t</sup> Jn<sup>o</sup> Pinchon, humbly desiringe the favor of this Court to graunt him such a portion of land for seuerall services past as they shall judge meete, the Court judgeth it meete to grant the petitioner fiue hundred acres of land where it is to be had.

The Court being informed that Mr John Euered aljas Webb hath paid his fine, & carried it humbly & submissiue, & under a due sence of his sinne, the Court judgeth it meete to sett him at liberty from the rest of the sentence of this Court.

1666.

23 May.

Chelmsford at  
libert. to elect  
military  
officers.

The quæstion being putt, whither Jn<sup>o</sup> Euered aljas Webb, being for his offences disfranchised & made vncapable to be a comission officer, or to beare other publick office in this jurisdiction, his censure being taken of, whither he be restored to his former trust, it was resolved in the negative, & the Court declared the toun of Chelmsford to be at liberty to make chojce of military officers as they shall see meete, according to lawe.

Lajd out, in obedience to the loving grant of the honored Generall Court, vnto me, Thomas Noyes, the two hundred & fifty acres of land granted me, the sajd Thomas Nojes, in the yeare sixteen hundred sixty & fower, for some service donne, & money expended, & other respects, neere a place called by the Indians Quansigamong Pond, lying & being southerly of Lancaster bounds, & north westerly of the sajd Quansigamong Pond, nere adjoyning to the lands formerly laid out to Thō Noyes, John Hejnes, & others, begining neere the north end & head of the sajd pond, at a pine tree marked for the angle; & from thence, a line vpon a southwest point, fower degrees westerly, two hundred & sixe rodds, & there making a right angle; & from thence, a line vpon a north west point, fower degrees northerly, \*one hundred & ninety rodds; & from thence, a line vpon a northeast point, fower degrees easterly, two hundred & sixe rodds; & from thence, a lje vpon a southeast point, fower degrees southerly, vnto the sajd pine tree, w<sup>th</sup> tenn or twelue acres of meadow added at the east angle to make vp the complement of the sajd two hundred & fifty acres.

Tho<sup>s</sup> Noyes  
grant.  
See 461.

[\*570.]

Tho. Nojes 250  
ac's lajd out.

By THOMAS NOYES, Survejo<sup>r</sup>.

The Court approoues of this returne.

The Court, hauing duely considered of those things which haue beene charged vpon Mr Thomas Gilbert, doe finde that he hath vttered seuerall speeches, both in preaching & prayer, which haue beene offensive; that due testimony may be borne against such vnsafe & extravagant expressions, doe therefore order, that the sajd Gilbert shall forthwith be solemnly admonished publickely in open Court, by the honored Gouverno<sup>r</sup>, for such his offences, & pay the witnesses, costs, &c, for hearing the case, five pounds.

Courts sentenc  
of Mr Tho.  
Gilbert, 5<sup>th</sup>.

1666.

23 May.  
Courts judgm<sup>t</sup>  
in Giffords case  
ag<sup>t</sup> Stratten.

In the case of Jn<sup>o</sup> Gifford, plaintiff, ag<sup>t</sup> Bartholmew Stratten, defend<sup>t</sup>, coming to this Court by the magistrates refusing the virdict of the jury at the last Court of Asistants, the Court, on pervsall of the evidences in this case produced, together w<sup>th</sup> what the plaintiff & defend<sup>t</sup> could say for themselues, judge meet to confirme the verdict of the jury to the plaintiff, i. e., y<sup>t</sup> y<sup>e</sup> defend<sup>t</sup> sattsify the plaintiff tenn pounds in the like pay he receaved, the plaintiff returning the servant & hir child, if living, to the defend<sup>t</sup>, & grant the plaintiff the costs of this Court.

Courts judgm<sup>t</sup>  
in Saffin ag<sup>t</sup>  
Payne case.

In the case depending betweene Mr John Saffin, plaintiffe, & Mr John Pajne, defend<sup>t</sup>, the Court, on hearing the partjes, & on pervsall of all euidences in the case, doe finde for the defend<sup>t</sup> costs of Court, & y<sup>t</sup> y<sup>e</sup> plaintiff pay for y<sup>e</sup> Courts hearing of this case fieve pounds.

Courts judgm<sup>t</sup>  
in Atkinson  
ag<sup>t</sup> Orchards  
case.

In the case now depending betweene Theoder Atkinson, pl<sup>t</sup>, ag<sup>t</sup> Robert Orchard, defend<sup>t</sup>, in an action that comes to this Court by y<sup>e</sup> disagreement betwene the bench & jury in the last Court of Asistants, the Court, on a hearing of the case & all evidences therein, doe finde for the defend<sup>t</sup> tenn pounds & costs of Courts.

May the 23, 1666.

Cap<sup>t</sup> Patricks  
300 ac's lajd  
out to Zk.  
Gold.

Humbly sheweth this honoured Generall Court, that, whereas wee, Thomas Houlet & John Gage, being by order of this Court appointed to lay out & measure vnto Zackeus Gold the three hundred acres of land granted to Captaine Patricks formerly, in obedjence vnto which order, wee, the aboueñd Houlet & Gage, haue, according to our best judgment & skill, measured out the sajd tract of land about one yeare since, one hundred & thirty acres of the sajd three hundred acres of land being bounded on the northwest by Andiver ljne, & also bounded on the north east by Rouley line, & also bounded on the south east by the lands of the sajd Zackeus Gold, the other sides of the sajd land being bounded by the lands of the Majo<sup>r</sup> Generall Denisons farme, said land lying in a circular forme. There being no more land at liberty in that place to dispose, wee, the aboue sajd Thomas Houlet and John Gage did lay out and exactly measure one hundred & seventy acres of land more in a free place, to make vp the complement of the sajd three hundred acres, the sajd land being bounded by the honoured Richard Bellingham, Esqui<sup>r</sup>, his lands on the north, & also bounded by the lands of Majo<sup>r</sup> Generall Dennison on the east, as also bounded on the south & west by the country land, the sides of the sajd land being in length as followeth: first, the ljne being next the majo<sup>rs</sup> farme two hundred & forty rods, the other ljne parrell one hundred

& sixty rods, the other two lynes being each of them one hundred & forty rods. 1666.

This by vs,

THO: HOULET,  
JOHN GAGE.

23 May.

The Court approoves of this returne.

Whereas Anna Page, the wife of Nicholas Page, was indicted at the last Court of Assistants for adultery, & by reason of disagreement of bench & jury, the case was brought to this Court for further trjall, & vpon a full hearing of the case, the Court found hir guilty of much wickednes, but vpon a motion from himself, the Court gaue hir oppertunity to make acknowledgment of such hir great offences w<sup>ch</sup> were charged vpon hir, which accordingly she hath donne to the satisfaction of this Court, who doe hereby declare their acceptation of it, so as she make the like acknowledgm<sup>t</sup> in open Court when \*called thereto; that as the Court hath seene the fruits of her repentance, so it may be declared to others also. The sajd Anna Page came into the Court, & openly made acknowledgment, in like manner, to the Courts acceptance, who ordered that M<sup>rs</sup> Page pay the charge of the witnesses, & so is discharged. Courts sentence ag<sup>t</sup> Anna Page, & acceptance of her acknowledgm<sup>t</sup>, &c. [\*571.]

There being about two hundred and fifty of the inhabitants of Christophers here arrived, & more howerly expected to come hither from thence, it is ordered, that Majo<sup>r</sup> Generall Dennison & Majo<sup>r</sup> Generall Leueret, Cap<sup>t</sup> Thomas Clarke, Leif<sup>t</sup> Hopstil Foster, & M<sup>r</sup> Edw<sup>d</sup> Collins be a com<sup>i</sup>tee to treat w<sup>th</sup> the gentlemen vndertakers of the sajd company here arriued, & to vnderstand from them the grounds of their coming hither, their conditions, & their intentions as to disposall of themselves, & to make their report to this Court, that so the Court may the better consider what the minde of God is, & their duty in such an affaire. Country's care & provision for Xtophers men releife, &c.

The com<sup>i</sup>tee appointed to treat w<sup>th</sup> the gent<sup>n</sup> strangers lately arrived from Christophers Island declare that they finde that they cannot resolve at present their oune course for the future, & that they cannot give an exact accompt of the certeine number of persons that are come; & those come mostly are able to provide for themselues; yet that there are some so necessitous that doeth call for the charity of their countrymen: the number of them is aboue; & whereas there is a diferenc betweene the masters & vndertakers about the ship, it is thought requisit that there be a speedy course for the issuing thereof, for that the after motion of divers may haue dependance therevpon.

Leif<sup>t</sup> Peter Oliuer & Cap<sup>t</sup> James Olliuer being appointed by this Court to repaire aboard the ship Speaker, lately come from the Island of Christo- 57 returned as wanting p<sup>r</sup>sented releife.

1666.

23 May.

phers, & enquire such necessitous & poore persons that came in the said ship, being of the number of those captiues sent from the Island of Christophers by the French ; & whereas they haue made their returne, wherein they report that there are seuerall persons very poore & in want, w<sup>ch</sup> need present releife, but yet hope that most of them will speedily shift for themselues, & that generally they doe incljne to returne to some place in the West Indies as soone as may be, —

This Court, desiring to ease the country of any vnecessary charge, & yet that none who are in extremity want releife, doe order, that M<sup>r</sup> W<sup>m</sup> Bartholmew, M<sup>r</sup> Joseph Rocke, & M<sup>r</sup> Habbacucke Glouer are hereby desired & impowred as a comittee to take care that all such persons of those captiues that are vnable to worke for their liuelyhood be supplied w<sup>th</sup> necessary releife at the publick charge, not exceeding three shillings p head p weeke, vntill such time as there may be passage provided for them to the Indies, or any other place where they desire to goe, which is referred to the care of the said comittee to procure by the first oppertunity ; & for those that are vnable to pay their oune passages, the said comittee <sup>is</sup> impowred to make agreement w<sup>th</sup> the master of any ship or vessell for their transportation at the most reasonable rates they cann, to be pd out of the publick treasury ; & the accounts of what shall be necessarily disbursed in this matter shall be transmitted vnto the Treasurer of the country, who is ordered to sattisfy the same out of the next country rate.

The gent<sup>l</sup> late inhabitants of Xtophers & vndertakers, hauing earnestly mooued that the difference betweene them & the master of the ship Speaker might speedily be heard & issued, & the honoured Governo<sup>r</sup> hauing promist them that so it should be, the Court, considering their condiçõn, doe order that the case of difference aboue mentioned be heard by this Court on the morrow, at eight of the clocke in the morning, & that notice be giuen accordingly. Warrants to partjes concerned issued out, and accordingly, at the time appointed, the parties appeared. Theoder Loueranne, lef<sup>t</sup> colonell, for himself, & as attorney for y<sup>e</sup> rest of the vndertakers by virtue of the letter of attorney to him directed, w<sup>ch</sup> was by them acknouledged to be their act, as in the same largely may appeare, plain<sup>t</sup>, & Robert Gourden, master of the ship Speaker, def<sup>t</sup>. Euidences were produced by both partjes, their pleas heard, on all w<sup>ch</sup> the Court proceeded.

The ship Speaker arriving in the harbor at Boston the 3<sup>d</sup> of June, w<sup>th</sup> aboue three hundred persons from Christophers, after the surprizall thereof by the French, a controuersy arising betweene Leiftenñt Colonel Theoder

Loueranne & partners, clayming the sajd ship \*as purchased of the sajd French governo<sup>r</sup> & council there, (who had seized & possessed the sajd ship by a guard of French souldjers, & setting vp the French colours, as by the deed made to Robert Clarke, & other evidence, together w<sup>th</sup> the masters acknowledgment, appeares,) & Robert Gourden, master of the sajd ship, who claymed right & title in the sajd ship by a letter of attorney, or power deuied to him from Capt<sup>r</sup> Morrice Willjams, the ouno<sup>r</sup> of the sajd ship before the surprizall thereof, together w<sup>th</sup> the islands; and the sajd Leif<sup>t</sup> Colonel Loueranne, in the behalfe of himself & company, complayning that the sajd Gurdon deteyned the sajd deede of sale, & claymed the sajd ship in right of the sajd Morrice Willjams, notw<sup>th</sup>standing the surprizall thereof by the French, & their sale thereof for valuable considerations, & vpon othe[r] hard termes to the purchaser, viz<sup>t</sup>, to carry of three hundred English in a very short time, &c.

The Court, considering the premises, w<sup>th</sup> the evidences, doe adjudge & declare the said ship Speaker, w<sup>th</sup> the appurteñcs, to the sajd Leiuteñt Colonel Loueranne, Leif<sup>t</sup> Robert Clarke & company, and that the deed of sale, signed by Anthony De Bourg, secretary & notary publick for the French vpon the Isle of Christopher, be deliuered to the sajd Leiu<sup>t</sup> Colonel Loueranne & company, as properly belonging to them; & to prevent any further trouble betweene the ouners & marriners, the Court doeth declare, that the wages of the sajd master & seamen of the sajd ship, since the sajd sale or purchase of the sajd ship, ought to be dischargd & payd by the sajd Leif<sup>t</sup> Col<sup>t</sup> Loueraunne & company.

In answer to the peti<sup>c</sup>on of M<sup>r</sup> Henry Bridgam, the Court, hauing duly considered of the evidences & allegations in the case, produced by the sajd Henry Bridgam & Edmond Dounes, doe judge that the defend<sup>t</sup>, M<sup>r</sup> Edmond Dounes, shall pay vnto Henry Bridgam, peti<sup>c</sup>oner or plain<sup>t</sup>, the sūme of nineteen pounds fiuteene shillings & tennpenc, damage & costs of this Court.

In ans<sup>r</sup> to a peti<sup>c</sup>on exhibited to this Court by M<sup>rs</sup> Elizabeth Endecot, the relict of the late hon<sup>d</sup> Governo<sup>r</sup>, Jn<sup>o</sup> Endecot, Esq<sup>r</sup>, deceased, & Zerubabell Endecot, their sonnes, for settling the estate of the sajd John Endecott, deceased, according to an instrument, (on file w<sup>th</sup> the reccords of this Court,) to which the hand & seale of the sajd John Endecot, deceased, is annexed, bearing date May 2<sup>d</sup>, 1659, after a full hearing of all partjes concerned in the sajd estate, (i. e.,) the sajd M<sup>rs</sup> Elizabeth Endecot, & hir two sonnes, M<sup>r</sup> John & M<sup>r</sup> Zerubbable Endecot, M<sup>r</sup> Jeremiah Houchin, being also present in the Court, & respectiuey presenting their pleas & evidences in the case.

1666.

23 May.

Theod<sup>r</sup> Loueranne & company pplain<sup>t</sup>iffs, & Rob<sup>t</sup> Goardon, m<sup>r</sup> of ship Speaker, defend<sup>t</sup>.

[\*572.]

Courts judgm<sup>t</sup> in Hen. Bridgam & Edm<sup>o</sup> Dounes case, &c.

1666.

23 May.  
Courts finall  
judgm<sup>t</sup> to  
settle y<sup>e</sup> late  
Gov<sup>r</sup> Endecots  
estate.

For a final issue whereof, this Court doeth order, & judge meete to declare, that the said estate shall be dividene betweene the aboue said widdow & hir two sonnes, according to the aboue said writing on file, provided alwayes whereas the farme called Chickerings was by deed of sale or guift made ouer to M<sup>r</sup> John Endecott sundry yeares before the date of the aboue said instrument, to haue & to hold the same to him, his heires, & assignes foreuer, —

This Court doe judge meete to order & declare, that the said John Endecott shall enjoy the same to him, his heires, & assignes foreuer, (any thing in the aboue said writing that may seeme to contradict the same notwithstanding.)

And also whereas there doeth appeare to be lesse provission made for the wife of the aboue named M<sup>r</sup> John Endecott then may seeme æquall, or was the reall intent of the abouesaid John Endecot, Esq<sup>r</sup>, deceased, who had during his life speciall favour & respect for her, —

This Court doeth order, that M<sup>rs</sup> Elisabeth Endecot, the now wife of the aboue named M<sup>r</sup> John Endecot, in case she shall surviue the said John, hir husband, shall injoy all that estate of houses & lands mentioned in the aboue said instrument, as bequeathed to the said John, hir husband, during hir naturall life, (not suffering any strip or wast to be comitted on the same,) any thing contained in the aboue named instrument notwithstanding.

[\*573.] And this Court doeth also order & declare, that whereas the abouesaid \*M<sup>rs</sup> Elisabeth Endecot, widdow of the aforesaid John Endecot, Esq<sup>r</sup>, deceased, is seized, according to the abouesaid instrument, of the goods & chattells of the said John Endecot, Esq<sup>r</sup>, her late husband, deceased, in case shee shall dye seized to the value  $\wedge$  more then eighty pounds st<sup>r</sup>, p<sup>te</sup> thereof  $\wedge$  the same shall be dividene betweene her sonnes, M<sup>r</sup> John Endecot & M<sup>r</sup> Zerubbabel; and the said John, being the eldest sonne, shall haue a double por<sup>cion</sup> thereof. Finally, this Court doth impower the said M<sup>rs</sup> Elisabeth Endecot, relict, widdow of the aboue named John Endecot, Esq<sup>r</sup>, deceased, sole administratrix on the estate whereof he d<sup>ied</sup> seized, she bringinge in a true inventory thereof to the next Court for the *the* county of Suffolke, & discharging all debts due from the said estate.

This Court was adjourned to the tenth day of October next, at eight of the clocke in the morning.

*Att a speciall Generall Court, called by the honored Dep<sup>t</sup> Governor, 1666.  
& held at Boston, the 11<sup>th</sup> of September, 1666.*

11 September

PRESENT thereat, R<sup>i</sup> Bellingham, Esq<sup>r</sup>, Gove<sup>r</sup>,  
 Frā Willoughby, Esq<sup>r</sup>, Dep<sup>t</sup> Gove<sup>r</sup>.  
 Symon Broadstreet,  
 Sa<sup>m</sup>i Symonds,  
 Dan<sup>i</sup> Gookin,  
 Dan<sup>i</sup> Dennison,  
 Symon Willard,  
 Rich Russell,  
 Thō Danforth,  
 W<sup>m</sup> Hawthorne,  
 Eliazer Lusher,  
 John Leueret,  
 John Pinchon,

} Esq<sup>rs</sup>.

The names of the deputjes returnd from the seuerall townes to serve at y<sup>s</sup> Court, those y<sup>t</sup> were for y<sup>e</sup> yeare vnder y<sup>s</sup> mark \*, the rest newly chosen : —

- \* { Mr W<sup>m</sup> Broune,  
 { Cap<sup>t</sup> George Corwin.
- \* Leift Hopstill Foster.  
 Mr W<sup>m</sup> Sumner.  
 Mr W<sup>m</sup> Parks.
- \* Leift Griffin Craft.  
 Cap<sup>t</sup> Frā Norton.
- \* Leift Rich Sprague.  
 Cap<sup>t</sup> Thō Clarke.
- \* Mr Anthō Stoddard.
- \* Leift Rich Beers.  
 Mr Sa<sup>m</sup>i Thatcher.
- \* Mr Olliuer Purchis.  
 Mr Edw<sup>o</sup> Collins.
- \* Mr Edw<sup>o</sup> Jackson.  
 Mr Thō Bishop.
- \* Mr ^ Goodhue.
- \* Mr Henry Seawall.
- \* Mr Thō Dyer.
- \* Ensigne Jn<sup>o</sup> Thaxter.

1666.

11 September.

Cap<sup>t</sup> Timō Wheeler.  
 Leif<sup>t</sup> Josh Fisher.  
 En<sup>s</sup> Danī Fisher.  
 Cap<sup>t</sup> W<sup>m</sup> Daujs.  
 Cap<sup>t</sup> Ro<sup>b</sup>t Pike.  
 M<sup>r</sup> Sa<sup>m</sup> Dalton.  
 M<sup>r</sup> Rich Swan.  
 Leif<sup>t</sup> Thō Noyce.  
 En<sup>s</sup> Moses Pajne.  
 Cap<sup>t</sup> Rī Waldern.  
 M<sup>r</sup> W<sup>m</sup> Steevens.  
 M<sup>r</sup> Nath Fryer.  
 Cap<sup>t</sup> Ed<sup>w</sup> Johnson.  
 M<sup>r</sup> Ralph Whelocke.  
 M<sup>r</sup> W<sup>m</sup> Holton.  
 M<sup>r</sup> He<sup>n</sup> Clarke.  
 M<sup>r</sup> Peter Tilton.  
 M<sup>r</sup> Thō Hincksman.  
 Cap<sup>t</sup> Nath Saltonstall.  
 M<sup>r</sup> Humph Dauy.  
 M<sup>r</sup> Charles Gott.  
 W<sup>m</sup> Ward.  
 Steven Kingsly.  
 Leif<sup>t</sup> Jn<sup>o</sup> Osgood.  
 Cap<sup>t</sup> Jn<sup>o</sup> Wayte.

**T**HE Court being mett together, the Dep<sup>t</sup> Governo<sup>r</sup> co<sup>m</sup>unicated to them the grounds of his assembling the Generall Court.

Itt is ordered, that some of the reuerend elders that are or may be in toune be desired to be present with the Generall Court on the morrow morning, & to beginn the Court, & spend the forenoone in prayer.

It being put to the quæstion, whither the council mentioned in the paper given into the Magis<sup>t</sup>s by M<sup>r</sup> Samuel Mauerick be meant of this Generall Court according to our sence, the Court resolved it on y<sup>e</sup> affirmative.

The Court, hauing binn informed that the præsidēt of the colledg is in some necessity, by reason of the afflicting hand of God vpon him in his sonne, & other things concurring thereto, judge meet to order the Tresurer of the country forthwith to pay vnto the sajd præsidēt the so<sup>m</sup>e of twenty pounds, as a gratuity from the Court for a supply of his present wants.

Whereas this Court, in May, 1660, did impowre Mr Richard Russell, Cap<sup>t</sup> Edward Johnson, Mr Anthony Stoddard, & Mr W<sup>m</sup> Parkes as a co<sup>m</sup>ittee to agree w<sup>th</sup> Cap<sup>t</sup> Francis Norton, or any other, about the custome or impost of wines, the w<sup>ch</sup> was to be improoued for the buying of powder, this Court judgeth it meete to reimpower the aforesajd gentlemen for the further prosecution of the aforesajd order to all intents & purposes therein exprest, & their power to continue till this Court take further order therein.

1666.

11 September

It is ordered, that Major Generall John Leueret shall & is hereby impoured to dispose of all the countrys great gunns that lye heere or there in any toune, & not in any fortification, fitt for vse, to such places that are fitted w<sup>th</sup> fortifications as he shall judge to be best for the publicke.

The Court, hauing perused the paper presented to the magistrates by Mr Samu<sup>l</sup> Mauericke, now in Court, judge that some meete answer be given therevnto by this Court, & to that end haue chosen & appointed the honored Dep<sup>t</sup> Gove<sup>r</sup>, Cap<sup>t</sup> Gookin, Maj<sup>r</sup> Ge<sup>n</sup> Leueret, Cap<sup>t</sup> Waldern, Cap<sup>t</sup> Johnson, Mr Humphry Davie, & Mr Peter Tilton as a co<sup>m</sup>ittee, who are hereby desired to drawe vp what they shall judge meete to be donne in the case by way of answer thereto, making their returne thereof to this Court.

Weymond Bradbury, of Salisbury, Richard Kemble, & James Moulton, of Wenham, & Mr James Pendleton, of Portsmouth, on their seuerall cirtifficates, are admitted to the freedom of this co<sup>m</sup>onwealth.

\*On the motion of S<sup>r</sup> Thomas Temple, informing this Court that seuerall inhabitants of this jurisdiction haue, contrary to the order of this Court prohibiting all their inhabbitants to make any inroachments on the confines of the sajd S<sup>r</sup> Thomas Temple, taken vpon them to goe into his territorjes, & there breake open the house of the sajd S<sup>r</sup> Thomas Temple, & haue despoyled him of his goods, & being come hither some of them, this Court judgeth it meete to desire Major Generall Jn<sup>o</sup> Leueret & Cap<sup>t</sup> Thomas Clarke, who haue in themselues power to exert their authority, to send for such persons, by warrant, to appeare before them as S<sup>r</sup> Thomas Temple shall informe them to haue had any hand in despoyling him of his goods, & the sajd persons thoroughly to examine, & if therevpon they finde cause, the sajd persons to co<sup>m</sup>itt to prison, making their returne of what they shall doe to the next Generall Court. [\*574.]

In ans<sup>r</sup> to the request of Cap<sup>t</sup> Daniel Gookin, it is ordered, that Dauid Fiske, surveyo<sup>r</sup>, or Samu<sup>l</sup> Andrews & Leiften<sup>n</sup>t Wheeler, of Concord, shall & hereby are appointed to lay out the fve hundred acres of land granted him by this Court in October, 65, at a place that is free betweene Concord & Lancaster bounds, next adjoyning to the Indian plantation called Nasho-

Co<sup>m</sup>ittee to lay  
out Cap<sup>t</sup>  
Gookins 500  
acr.

1666.

11 September.  
Courts sen-  
tence ag<sup>t</sup> y<sup>e</sup>  
Annabap's.

bah in such convenient forme in a , the place may afford, provided it be altogether.

This Court, on a due & full hearing of Thomas Gold & Thomas Osborne, standing comitted by virtue of an order of the Generall Court October, 1665, for their schismaticall & irregular practises ag<sup>t</sup> the publick worship of God, in opposition to the order & peace of the churches of Christ here settled, the prohibition of the said Court notwithstanding, doe order, that on the said Thō Golds & Thō Osborne paying their fines according to the sentence of the last Court of Asistants, & fees of Court, they shall be dischargd the prison. It is hereby also further ordered, that the order of the Court of October, 1665, referring to the said schismaticall assembly, shall & hereby is declared to stand in full force in relation to the said assembly, & all such as are members thereof.

It is ordered, that the elders now in toune be desired to be p<sup>s</sup>ent w<sup>th</sup> the Court presently after the lecture, to afford their advice in the weighty matter now in hand.

It is ordered, that the letter passed this Court, & here vnderwritten, be signed by the secretary, & deliuered to the comitte appointed by this Court, referring to England, to be sent to Secretary Morrice.

Courts letter  
to Secret. Mor-  
rice, in ans<sup>r</sup> to  
y<sup>e</sup> significa-  
tion.

Right Hon<sup>or</sup>ble

His majesties gracious letter, directed to the Governo<sup>r</sup> & council, dated 22<sup>th</sup> day of February, 1665, was received, & comūicated to the council the 17<sup>th</sup> July, 1666. Wee doe w<sup>th</sup> all thankfullnes acknowledge his great care in forwarning us of our danger by the French & Dutch, & directing us to prepare for our defenc, w<sup>ch</sup>, according to our weake abillity, wee haue binn & are endeavoring.

As touching the reducing of Cannada, &c, the council hauing aduised w<sup>th</sup> S<sup>r</sup> Thomas Temple, Governo<sup>r</sup> of Nova Scotia, & w<sup>th</sup> the Gofno<sup>r</sup> of Conecticut, who both concluded with them that it is not feaseable, as well in respect of the difficulty (if not impossibillity) of a land march ouer the rocky moun- teines & houling desarts about fower hundred miles, as the strength of the French there according to report.

[\*575.]

\*His majesties declaration of the warr ag<sup>t</sup> France sent inclosed, &c, it was solemnly published here by sound of trumpet. Wee haue susteyned some losse & damage by the French & Dutch in our shipping abroad, & in our smaller vessells vpon our coasts, where, at our very doores, a man of warr hath taken two or three vessells to a considerable value.

Where vpon some of ours, by comission from hence, haue lately taken

three or fower of their fishing shippes vpon the coast of Cannady. And for the future wee shall endeavour, by the asistanc of God, to preserve & defend the honor & interest of his maj<sup>ty</sup> & the English nation in these parts.

1666.

11 September

Wee may not omitt to acquaint your hono<sup>rs</sup> that a writing was deliuered to the Governo<sup>r</sup> & Majestrates, by M<sup>r</sup> Samuel Maurick, the 6<sup>th</sup> Sept<sup>r</sup>, w<sup>th</sup>out direction or seale, which he saith is a copie of a signification from his majestie, of his pleasure concerning this colony of the Massachusetts, the certainty whereof seemes not to be so cleare vnto us as former expresses from his majesty haue vsually binn.

Wee haue in all humillity given our reasons why wee could not submit to the comissioners & their mandates the last yeare, w<sup>ch</sup> wee vnderstand lye before his majesty; to the substance whereof wee haue not to add, & therefore cannot expect that the ablest persons among us could be in a capacity to declare our cause more fully.

Wee must, therefore, comitt this our great concernement vnto Almighty God, praying & hoping that his majesty (a p<sup>ri</sup>nce of so great clemency) will consider the state & condiçõn of his poore & afflicted subjects at such a time, being in eminent danger by the publick enemyes of our nation, and that in a wilderness farr remote from releife.

Wherefore wee doe in most humble manner prostrate ourselues before his majesty, & beseech him to be graciously pleased to rest assured of our loyalty & aleagance according to our former profession.

Thus, w<sup>th</sup> our humble service to yo<sup>r</sup> honno<sup>r</sup>, & earnest prayers to God for his majesties temporall & æternall happiness, we remajn,

Your hono<sup>rs</sup> humble servants,

EDWARD RAWSON, Secre<sup>ty</sup>,

In the name & by order of the Generall Court.

Dated from Boston, 11<sup>th</sup> Sept<sup>r</sup>, 1666.

Sup<sup>sc</sup>ribed,  
These ffor y<sup>e</sup>  
Rt. Honno<sup>ble</sup>  
S<sup>r</sup> W<sup>m</sup> Morrice,  
one of his  
maj<sup>ty</sup>s most  
honno<sup>ble</sup>  
priuy council,  
& secretary of  
state.  
Present.

This Court, hauing read & taking into consideration the contents of the petitions presented from Newbery, Ipswich, Salem, & Boston, being for substance but one, & finding that the petiçõners doe therein vnjustly charge, threaten, & reflect vpon this Court, to the dishono<sup>r</sup> of the members thereof, —

It is ordered, that Captaine William Gerrish, of Newbery, Cap<sup>t</sup> John Apleton, of Ipswich, M<sup>r</sup> Edmond Batter, of Salem, Cap<sup>t</sup> Thomas Sauage, M<sup>r</sup> Thõ Bratle, M<sup>r</sup> Habbacuck Glouer, & M<sup>r</sup> Thomas Deane, of Boston, all of

Courts order to  
y<sup>e</sup> secret. to  
sumon y<sup>e</sup> peti-  
çoners, &c.

1666. them principall persons in the said petiçions, some of them persons in publicke trust, all saue one freemen of this colony & members of churches, be by the secretary warned to attend this Court in October next, to answer for the same.

11 September.

A present for his majty, two large masts, &c.

It is ordered, that y<sup>e</sup> two very large masts now on board Cap<sup>t</sup> Peirce his ship be procured by Francis Willoughby, Esq<sup>r</sup>, Dep<sup>t</sup> Gov<sup>r</sup>, for the countrys vse & at their charge, & if they can be obteyned, & that God please they arriue safe in England, then to be presented to his majty by S<sup>r</sup> W<sup>m</sup> Warren & Cap<sup>t</sup> Jn<sup>o</sup> Taylor, one of the comissioners for the navy, as a testimony of loyalty & affection from y<sup>e</sup> country, & that all the charge thereof be paid out of the country treasury; & that thereby forthwith one thousand pounds <sup>^</sup> raysed either by loane from particular persons, or by a rate made for that purpose, for payment of y<sup>e</sup> said masts & other occasions.

Comitte to effect it.

And for the better effecting thereof, it is ordered, that M<sup>r</sup> Dep<sup>t</sup> Gouverno<sup>r</sup>, M<sup>r</sup> Thō Danforth, M<sup>r</sup> Edw<sup>o</sup> Collings, & M<sup>r</sup> Humphry Davye, shall & hereby are appointed a comitte, or any three of them, impowred to contract for the said masts & what is necessary in order to their sending, to whom this matter is wholly refferred, or any three of them; & the Tresurer is hereby impowred to put forth his warrants for doubling the country rate, & to make abatements for obteyning of mony for effecting the ends proposed; and that the comitte drawe vp suiteable letters to his majesty & to y<sup>e</sup> gent<sup>n</sup> aboue exprest, referring therevnto according to their best wisdom, to be perused by the Court at their next session, or in defect thereof by the councill, for their aprobat<sup>n</sup>; & y<sup>t</sup> what charge is necessary to be disbursed in & about the things p<sup>r</sup>mentioned, that it be satisfied by the country Tresurer, who is hereby ordered to deliuer such summe or somes as shall be necessarily required for effecting the same.

*\*Att a second Sessions of the Generall Court, held at Boston, the  
10<sup>th</sup> October, 1666.*

1666.

10 October.

[\*576.]

PRESENT, Rī Bellingham, Esq̃, Goveř,  
Fr Willowghby, Esq̃, Dep<sup>t</sup> Goř,  
Symon Broadstreet,  
Saṃ Symonds,  
Danī Gookin,  
Daniel Dennison,  
Symon Willard,  
Rich Russell,  
Thō Danforth,  
W<sup>m</sup> Hawthorne,  
Eliaz<sup>r</sup> Lusher,  
John Leueret,  
John Pinchon,

} Esq̃s.

**I**T is ordered, that all such as haue any particular cases depending in this Court doe attend the hearing thereof on the morrow morninge, &c.

Whereas the law, title Military, sec̃ 7, requires euery pikeman to be compleately furnished, (amongst other weapons, w<sup>th</sup> a sufficjent corslet,) this Court, considering that corslets are wanting to many souldjers in seuerall companjes, & the supplyes therein are not easily to be attayned, —

It is therefore now ordered, & by the authority of this Court enacted, that euery pikeman w<sup>th</sup>in this jurisdiction shall be compleately furnished either w<sup>th</sup> a sufficjent corslet, buffe coate, or quilted coate, such as shall be allowed by the cheife officer vnder whose comānd they from time to time shall serve, vpon the pœnalty in the recited law already expressed, any lawe, custome, or vsage to the contrary notw<sup>th</sup>standing.

As an addition & explanation of the lawe, tiť Strajes, this Court, finding that seuerall inconveniencies and troubles doe arise about strajes, catle and horses, &c, and that the temptation may be too great on some persons in remote tounes & farmes to take vp catle, &c, and make strajes of them, the whole benefit redounding to themselues, —

This Court doeth order for the time to come, that all strajes shall be first crjed in that toun of which they haue the brandmarke, & that all such strajes & other lost goods contejned in the said lawe shall be entred w<sup>th</sup> the county recorder in each county, & by him transferred to the country Treasurer w<sup>th</sup>in

Order abt  
strajes.

1666.

10 October.

Oder abt salt  
peeter.

one moneth ; & in case the said goods & streyes are not ouned w<sup>th</sup>in one yeare, as is therein expressed, then the one halfe, or the value of one halfe, shall be to the vse of the country, and the other halfe to the finder, the charges being first paid out of the whole.

Whereas the Court hath encouraged & authorized some persons to make gunpowder, & haue promised to enable them therevnto by such publick & necessary orders as may conduce to the effecting the same, the consideration whereof hath mooued the Court hereby to order & enact, that the selectmen of euery toun (where the powdermakers authorized by this Court shall desire it) be authorized & required hereby to make & execute such orders in their respectiue townes as they shall judge meete, w<sup>th</sup> the aduice of skilfull persons, for increasing & procuring of salt peeter, & to impose such pœnaltjes as the selectmen shall see meet, not exceeding ten shillings for one offence, vpon all persons that shall neglect or refuse to performe such order or orders for the proppogating & increasing of salt peeter in their respectiue townes ; and moreover the said selectmen are further impowred to choose and appoint an officer or officers, and to allow him a convenient stipend annually for his paines out of the fines or otherwise, to looke to the executing such orders as they shall make in that behalfe.

And it is further ordered, that such selectmen who shall neglect or refuse to make & effectually execu<sup>t</sup> such necessary orders as shall conduce by the ends aforesaid, they shall be presented at the Court of that county, & there be fined for their neglect, at the discretion of the Court, not exceeding five pounds for one offence ; & this lawe to be put in execution forthwith after the publication thereof ; & this to continue during the Courts pleasure.

Order for a day  
of thanks-  
givinge,  
8 November  
next.

The Lord hath said, He that offereth me prajse glorifies me, & he that orders his conversation aright shall see the salvation of God, & that prajse is comely for the vp<sup>r</sup>ight, & that in Zion especially the Lord is to be exalted ; & forasmuch as it must needs be acknowledged that the poore people in these ends of the earth haue had not only diuers former but later experiences of the fauour & grace of God to us, & in particullar the yeare past, in the continuance of our civil & spirituall libertjes, in preseruing us from invasion of the comon ennemjes of our nation, in sparing such a portion of the fruites of the earth as may be for necessary sustenance, notw<sup>th</sup>standing the threats of his displeasure against vs the summer past, in the drought, blastings, & mildews, the consideration & sence of these mercjes hath mooued the Generall Court hereby to appoint the 8<sup>th</sup> day of November next to be kept as a day of solemne thanksgiving to Almighty God for his mercjes in the respects before men-

tioned, & doe comēd it to the ministers, people, & churches w<sup>th</sup>in this jurisdiction to keepe the same accordingly.

\*Forasmuch as there are many causes of deepe humiliation & earnest supplication remayning among us, as well in respect of the growth of sin & prophanes, as pride, oppression, sensuality, carnall security, formality & heresy; as also the Lords hand still inflicted vpon vs in some parts of the country, in respect of the smale pox, blastings, meldews, drought, caterpillars, grashoppers, w<sup>th</sup> the effects thereof, whereby many of our outward comforts haue binn shortned, together w<sup>th</sup> the consideration of our nation in respect of warrs & pæstilence, yet continuing in some parts, especially considering the low estate of the true professors of Christian religion in all parts; and, in particular, that the Lord would yet continue our precious libertjes & injoyments, civil & spirituall, & keepe vs from the assaults & invasion of our enenmjes, & that he will please to blesse all good meanes to those ends, or otherwise to prepare us to submit to his good pleasure, and that the Lord will please to preserve the fleet of ships lately gonne from hence, & giue them a safe arrivall at their desired ports; the sence & consideration of these things hath mooued the Generall Court hereby to appoint the two & twentieth day of November next as a solemne day of humiliation & supplication of the Lord our God, & doe comēd it to all the respective churches, people, & miñsters w<sup>th</sup>in this jurisdiction, to keepe the same accordingly.

In the case betweene John Cheekly, plaintiff, ag<sup>t</sup> John Saffyn, defend<sup>t</sup>. After the Courts judgments, & all other evidences in the case produced, were read, the Court finds for the defend<sup>t</sup> fower pounds damage in bisket, w<sup>th</sup> the costs only of the Comissioners Court & filings in each Court, twenty fve shillings & sixpence.

In the case of M<sup>r</sup> Edward Tyng, plaintiffe, by petiçōn, ag<sup>t</sup> M<sup>r</sup> John Saffyn, defend<sup>t</sup>. After the Court had heard the petiçōn, pervsed the Court of Asistants last judgment, & all other evidences in the case produced, the Court found for the defendant one hundred pounds damage, & y<sup>t</sup> the plantif pay forty shillings for the Courts hearing the case, & costs of this Court seuen shillings & sixpence.

In the case of Cap<sup>t</sup> Richard Walderne, plaintiff, ag<sup>t</sup> Xtopher Palmer, defend<sup>t</sup>, coming to this Court by the benches refusing the virdict of the jury at the Court of Asistants, &c, the Court hauing heard & read the virdict of the jury, & all evidences in the case produced, the Court finds for the plaintiffe three pounds damage, & the grasse he had, & costs of Courts, fowerteen pounds seventene shillings & fowerpence.

In the case now before the Court, betweene Xtopher Palmer & Edward

1666.

10 October.

[\*577.]

Order for a day  
of humiliation,  
22 Novemb<sup>r</sup>  
next.

Courts judgm<sup>t</sup>  
in Cheekly &  
Saffins case.

Courts judgm<sup>t</sup>  
in Cp<sup>t</sup> Tings  
case ag<sup>t</sup> M<sup>r</sup>  
Saffyn.

Courts judgm<sup>t</sup>  
in Cap<sup>t</sup> Wal-  
dernes case ag<sup>t</sup>  
Xtopher Pal-  
mer.

Jn<sup>o</sup> Redman,  
attorney for  
Palmer.

Courts judgm<sup>t</sup>  
in Palmer ag<sup>t</sup>  
Coleords case.

1666.

10 October.  
Jo. Redman,  
attorney for  
Palmer, ap-  
peared.

Colcord, coming to this Courts cognizance by reason a disagreement betweene the bench & jury at the Court of Asistants, the Court, on the hearing of the case, & perusall of all evidences produced in the same, doe finde for Edward Colcord costs of Court, confirmg the *the* virdict of the jury at the Court of Asistants, & the judgment of the Court at Salisbury, who found for the sajd Colcord the meadow sued for, & costs of y<sup>e</sup> Court.

Courts judgm<sup>t</sup>  
ag<sup>t</sup> Xtopher  
Palmer, in y<sup>e</sup>  
criminall case.

In y<sup>e</sup> case of Christopher Palmer, being bound ouer to the Court of Asistants w<sup>th</sup> his oune consent, to answer his criminall offence in irregular proceedings as deputy to the marshall generall, in extending an execution for Israell Wight, & by the Court of Asistants referred to this Court for a determination, the sajd Palmer making default by his non appearance at this Court, being three times called, & it being cleared to the Court that sumons issued out for his appearance at this Court, which Cap<sup>t</sup> Waldern, on his oath, affirmed he deliuered to the sajd Palmers wife, the Court finds that the sajd Palmer hath forfeited his bond of one hundred pounds, together w<sup>th</sup> his surety, which is to be estreated to the Tresurer accordingly, out of which the Tresurer is to pay vnto Cap<sup>t</sup> Richard Walderne sixe pounds eleven shillings, as his costs in prosecution, &c.

Cap<sup>t</sup> Wal-  
dernes costs,  
6<sup>u</sup> 11<sup>s</sup>.

M<sup>r</sup> Gen<sup>l</sup> Deni-  
sons farne layd  
out & con-  
firmd; y<sup>e</sup> plott  
is on file.

The returne of Majo<sup>r</sup> Ge<sup>n</sup> Dennison farne on Conecticot Ryuer, aboue Hadley bounds, layd out by M<sup>r</sup> Elitzur Holioake & David Wilton, according to the Courts order, was p<sup>s</sup>ented w<sup>th</sup> a plot of the land, & the length of y<sup>e</sup> seuerall lynes, viz<sup>t</sup>: the north & south square lynes, sixteen score rods; the l<sup>y</sup>ne from the great ryver, next (Hadley bounds) to a litle brooke, & runs into a pond, where a stake is sett, & a trench cutt round about y<sup>e</sup> stake, & is three hundred thirty three rods, & a litle more, & runns east & by south & west & by north, & most northerly bounds is a l<sup>y</sup>ne that runns from the great ryuer, easte by south & west & by north, extends a hundred sixty sixe rodds & a litle more, to three maples that growe together in a dismall swamp neere the entring into it; & from the sajd three maples, vpon a north & south l<sup>y</sup>ne, sixteen score rodds, to the stake neere the brooke that is cut about w<sup>th</sup> a trench. This returne was allowed & approued of by the Court.

[\*578.]

Prizes of  
corne.

\*Itt is ordered by this Court, that the same order which was made the last yeare, stating the prizes of corne & other things payable into the country rate, shall in all respects stand good for this present yeare.

Comitte for  
petiçons.

Comitte to  
treate w<sup>th</sup> S<sup>r</sup>  
Tho. Temple  
ab<sup>t</sup> purchasing  
his gr<sup>t</sup> guns,  
&c.

M<sup>r</sup> Tresurer, M<sup>r</sup> Richard Russell, Cap<sup>t</sup> George Coruin, & M<sup>r</sup> Anthony Stoddard are hereby appointed a comitte to pervse the petiçons now in Court, making their report what they judge necessary to be donne therein.

The Court being informed by y<sup>e</sup> Majo<sup>r</sup> Generall Leueret, that there are seuerall great gunns wanting to supply the necessary occasions of this country

in relation to the seuerall forts already erected, and that S<sup>r</sup> Thomas Temple hath seuerall great gunns at his dispose, some whereof he hath lent, & are improoued in the Sconce at Boston, & others he hath also to dispose of, & possibly for such payment & at such prizes as will prooue as easy as this country cann expect at any time to procure such, it is therefore ordered, that the Tresurer & Majo<sup>r</sup> Generall are hereby appointed a co<sup>m</sup>ittee, & impoured to treat w<sup>th</sup> S<sup>r</sup> Thomas Temple, & to agree w<sup>th</sup> him for the sajd guns, or so many of them as he shall be willing to part w<sup>th</sup>, & to make him satisfaction for y<sup>e</sup> same.

1666.

10 October.

In answer to the peti<sup>ti</sup>on of Willjam Salter, humbly desiring the favour of this Court to grant him a hearing of his case againe, betweene him & John Woodmansey, &c, the Court orders a hearing of his case at the next Court of Election, so as the peti<sup>ti</sup>oner giue due notice thereof.

Ans<sup>r</sup> to W<sup>m</sup> Salters peti<sup>ti</sup>on.

In answer to the peti<sup>ti</sup>on of the inhabitants of Newbery, humbly crauing the favour of this Court to remitt the fine of tenn pounds imposed on them by this Court the last yeere for their deputys non attendance the service of this Court, the Court, for the reasons therein rendered, judg meete to remitt that their fine.

Newbery fine remitted.

Whereas the hon<sup>or</sup>ble S<sup>r</sup> Thomas Temple is, by co<sup>m</sup>ission from his most excellent maj<sup>ty</sup> Charles the Second, of England, Scotland, Fraunce, & Ireland king, &c, constituted govern<sup>r</sup>, & his majestjes leiftenn<sup>t</sup> of Accady & Nova Scotia, from Meriliquish, on the east, to St. Georges, & Musconcus, on the confines of New England, on the west; & is thereby impowred to seize & confiscate the vessells & goods of all persons tradeing peltry or furs w<sup>th</sup> Indians without his licence; as also to burne, kill, & destroy all such as shall resist him, as appeareth by the sajd co<sup>m</sup>issions, bearing date the seventeenth day of July, 1662, being the fowerteenth yeare of his maj<sup>ty</sup> reigne, — this Court judg-eth it meete to prevent all forcible contests or vnecessary losse that may be occasioned by any exorbitant or inconsiderate persons, as also all occasions of offence betweene this colony & the honourable governor aforesajd; & being desirous that a loving & good correspondency may be cherrished & majn-tenyed, —

Courts order prohibiting all y<sup>e</sup> colonys inhabitants to intrude any way on S<sup>r</sup> Tho Temple, his interest or territories.

It is ordered & by this Court enacted, that henceforth it shall not be lawfull for any person of this jurisdiction to trade for furs or peltry with the Indians w<sup>th</sup>in the ljmitts aforesajd, w<sup>th</sup>out licence from the sajd governor, &c. And it shall be lawfull for the sajd gouernor, his majestjes leiften<sup>nt</sup>, or his attorney authorized therevnto vnder his hand, to arrest, sue, & implead any person or persons that shall be found offending herein, in any Court within

1666.

10 October.  
250 acres  
granted to Mr  
Sam. Symonds.

Addition to  
clarke of dep<sup>y</sup>  
sallery.

Colo. Crounes  
case heard &  
found not  
triable heere.

[\*579.]

500 acres lajd  
out to Cap<sup>t</sup>  
Fra<sup>s</sup> Norton &  
Mr Nicholas  
Dauison, &c,  
p<sup>r</sup> Charls  
Toune.

Vide p<sup>a</sup> 429.

the lymitts of this colony, in any action of the case, or trespasse, & shall haue æquall justice therein.

In answer to the motion & request of Mr Samuel Symonds, the Court grants him two hundred & fifty acres of land, where it may be found free from hindering any new plantation or former grants.

Vppon consideration that Cap<sup>t</sup> W<sup>m</sup> Torrey, clarke of the deputjes, hath spent much time on the service of the country this yeare, & his sallery but smale, & he being on his oune expences wholly, w<sup>ch</sup> formerly he was not, the Court orders, that there be so much added this yeare to him as may make his sallery twenty pounds.

In answer to the petiçon of Colonel W<sup>m</sup> Croune for a hearing of his case, w<sup>ch</sup> was granted to be at this Court, the Court, on a hearing of all partjes, finde that the case of the comptnt arises on a title of land out of this jurisdiction, doe judge that it is not triable here.

\*Layd out to Cap<sup>t</sup> Francis Norton & Mr Nicholas Dauison, of Charls Toune, the five hundred acres granted them, in the behalfe of the toune of Charls Toune, by the Generall Court, October 20, 1663, in the moneth of September, 1666, on the westward side of the bounds of Lancaster, being bounded on the south by the westernmost end of a great pond, called Washacome Pond, at a white oake marked at the brincke of the sajd pond; & from thence a lje vpon a north & by east point, three degrees easterly, according to the meridian compasse, two hundred fifty eight rods or poles; & from thence a lje vpon a west point, three degrees southerly, three hundred & thirty rods or poles; & from thence a lje, three degrees easterly of a south point, one hundred & sixty rods; & from thence a lje, being partly streight & partly circular, being bounded by the aforesajd pond, ending at the aforesajd oake tree, w<sup>th</sup>in which ljes is conteyned fower hundred eighty seven acres of land, w<sup>th</sup> a parcell of meadow added at the southwest angle, conteyning thirteene acres, all which making vp the full complement of five hundred acres, as is described by a plott given in.

P THO: NOYES, Surveyor.

The Court approoves of this returne.

6000 acres of  
land granted  
to Braintry.

In ans<sup>r</sup> to the petiçon of the inhabitants of Braintry, the Court, on consideration of the reasons therein expressed, judge meet to grant vnto them sixe thousand acres of land, in some place, lymitted to one place, not prejudicing any plantation or particullar grant.

In obedience to an order of the Generall Court, bearing date the 23<sup>th</sup> May, 1666, appointing vs, whose names are herevnder written, to repaire to Wooborne & Billirrikey to decide the difference betweene the two tounes about the ljne that parts the bounds of the sajd tounes, as also to lay out a farme of fue hundred acres of land, purchased by the two Weymans of the heires or trustees of M<sup>r</sup> Coytmore, deceased.

1666.

10 October.

Concerning the ljne of diuission betweene these two tounes before mentioned, wee haue determined that the ljne of diuission betweene the tounes shall runn from the pinetree at Cambridge Corner, by a streight ljne, to the marked tree nere the old foote path, from Wooborne to Billirrikey at the corner of Elder Champneys farme, & what euer land hath binn layd out by Wooborne toun, one that side next Billirrica, to John Wymans & Francis Wyman, shall remajne to the sajd Wymans ; and that the ljne of diuission betweene the sajd tounes, in all other places, shall runn as it is stated by the order of the Generall Court, i. e., a mile from the river.

Comittees re-  
turne abt Woo-  
borne & the  
Wymans, &c.

And for the farme, after much time spent in vejwing the land, the two Wymans, John & Francis, being present, & diuers of the toun of Wooborne w<sup>th</sup> us, & after much debate & consideration of the conveniencjes & inconveniencjes that might acruce to each partje, wee haue ordered the surveyor of land, M<sup>r</sup> Jonathan Danforth, to lay out to the sajd John & Francis Wayman fue hundred acres of land, in Wooborne bounds, next adjoyning to the land & houses of the sajd Wymans, apprehending it to be most convenient & profitable for them so to lye.

EDWARD COLLINS,  
TIMOTHY WHEELER,  
RICHARD BEERS.

The whole Court met together voted the returne of the lands layd out to Wooborne & the Wymans to be & doe stand good & firme as returned.

In ans<sup>r</sup> to the petition of Nathaniel Robinson, wyer drawer, humbly craving the favo<sup>r</sup> of this Court in asisting him to carry an end his trade, the Court sees no cause to grant his request.

Ans<sup>r</sup> to Nath  
Robbinsons  
petiçon.

Layd out vnto the woŕppff<sup>ll</sup> Majo<sup>r</sup> Eliaz<sup>r</sup> Lusher the fue hundred acres of land, in the moneth of September, 1666, which sajd fue hundred acres was granted by the honored Generall Court of the Massachusets, in the yeare 1664, on the west side of the lands granted the toun of Sudbury, as also being northerly bounded by the lands last granted and layd out to the toun of Con-

Major Lushers  
500 acres lajd  
out.

1666.

10 October.

cord, beginning at a tree marked in Concord lne, on the east side of a brooke called Mine Brooke; & from thenc a lne vpon a southwest & by south point two hundred & forty rods or poles; & from thence a lne vpon a north west & by west point, two degrees northerly, three hundred & sixty rods or poles; & from thence a lne vpon a north north east point, fower degrees easterly, two hundred & forty rods or poles; & from thence a lne vpon a south east point, three degrees easterly, two hundred & nine rods or poles; & from thence a lne, being the lne betweene the bounds of Concord land & the sajd ffarme, ending where wee beganne, the sajd lne being one hundred & sixty rods.

By me, THOMAS NOYES, Surveyor.

The Court approoves of this returne.

James Pendleton, Cap<sup>t</sup> Walter Neale & Left Nath. Drake, ensig. of Portsmouth.

On cirtificate that, on y<sup>e</sup> 2<sup>d</sup> of October, instant, the millitary company at Portsmouth had made chojce of James Pendleton for captaine, Walter Neale for leiftennant, & Nathaniel Drake for ensigne, the Court allowes & approoues of James Pendleton for captaine, & orders the persons chosen for leftenñt & ensigne to officjate in those places till they are admitted to the ffredome of this country, so it be once w<sup>th</sup>in twelve months of y<sup>e</sup> date, & that then they haue their comissions.

[\*580.]

Courts ans<sup>r</sup> to Job Tylers peti-  
cion.

\*In answer to the petition of Job Tyler, of Roxbury, humbly desiring the favour of this Court to grant him a hearing of his case betweene him & Thomas Chandler, the Court, considering of his petiçõn, in regard of the shortnes of the Courts continuance in this present session, it is ordered, that the petiçõner haue his cause heard at the next Court of Election, & that in the interim, Thomas Chandler haue notice thereof, & by order from the secretary be obliddged to attend the issuing thereof, provided that the petiçõner then bring the case.

Ans<sup>r</sup> to James Euerells peti-  
cion.

In ans<sup>r</sup> to the petiçõn of James Euerell, the Court judgeth it meete to referr his declaration, now in Court, w<sup>th</sup> his petiçõn, to the consideration of such a meeting of a Generall Court, for answer, as shall intervene betweene this & the next Generall Court of Election, (in case there be any,) or otherwise to the sajd next Generall Court of Election.

Cap<sup>t</sup> Claps fine  
of 50<sup>li</sup> remitted.

In ans<sup>r</sup> to the petiçõn of Roger Clap, captaine of the Castle, humbly crauing the favo<sup>r</sup> of this Court to remitt his fine of fifty pounds, imposed on him by the County Court in Boston, July last, as in their sentence appeares, the Court, considering of what the petiçõner alleadgeth in his petiçõn, & it appearing that his omission of what he ought to haue donne proceeded not

from any wilfull neglect, but from a dubiousnes that was vpon him by reason of a former order & the suddaine passing of the shipp, whereby he was surprised, judge meet to remitt his fine.

1666.

10 October.

On the motion of M<sup>r</sup> Symon Broadstreete for the laying out of the five hundred acres by this Court granted him, to be lajd out in any place not impropriated to any toun or person, for his laying doune his grant, &c, May, 1666, it is ordered, on his request, that his five hundred acres be lajd out by Lef<sup>t</sup> Thomas Noyes, George Abbot, & Thomas Chandler, in the north of Merremacke, neere to Majo<sup>r</sup> Dennisons farme, lajd out aboue Hauerill bounds, so it be on the north or east of it, being aboue eight miles from the meeting-house of Hauerill, in one peece.

M<sup>r</sup> Broadstreet  
farme of 500  
acs to be lajd  
out.

In answer to the peti<sup>ti</sup>on of M<sup>rs</sup> Anna Page, referring to the estate of M<sup>r</sup> Robert Keayne & the disposure thereof, hauing considered the actings of this Court thereabouts, but more especially a fynall determination therein transacted by a com<sup>it</sup>tee of this Courts deputing, of vnbyassed persons joyning w<sup>th</sup> the ouerseers, this Court judgeth it not suiteable to reuiue troubles to the Court therein, & wherein M<sup>r</sup> Lane, deceased, hath binn injurious to the peti<sup>ti</sup>oner, his former indulging the same may be a sufficjent ground of buriall therein; but in case of any non performance of the solem agreement mentioned in any article thereof, an inferiour judicature may be applyed vnto, referring to a legall prosecution therein.

Ans<sup>r</sup> to M<sup>rs</sup>  
Pages peti<sup>ti</sup>on.

There being a hearing granted by the Generall Court in May last of the peti<sup>ti</sup>on & comp<sup>lt</sup> of M<sup>rs</sup> Margaret Rogers, widdow, & M<sup>r</sup> John Whiple, ag<sup>t</sup> M<sup>rs</sup> Rogers, of Rouley, at this Court, on the motion of the sajd M<sup>rs</sup> Margaret Rogers, desiring that the hearing of the case may be referred to the next Generall Court in May, by reason seuerall witnesses are to appeare in it, & at this time there is a dread of the smale pox, now in Boston, discouraging the witnesses, the Court judgeth it meet to grant hir request that the case be heard at the next Generall Court in May, provided M<sup>rs</sup> Margaret Rogers give seasonable warning to the other M<sup>rs</sup> Rogers, of Rouley, & to all witnesses before that Court, & that they attend it accordingly, or els y<sup>t</sup> it fall.

M<sup>rs</sup> Rogers  
case to be heard  
in May next, in  
case, &c.

Itt is ordered, that the two masts by the last Court ordered to be presented to his majesty (if to be attayned) be sent accordingly; also a shippes loading more to be bought & contracted for by the hono<sup>rd</sup> Dep<sup>t</sup> Governo<sup>r</sup>, M<sup>r</sup> Danforth, Majo<sup>r</sup> Generall Leueret, M<sup>r</sup> Davy, & M<sup>r</sup> Collins, this Courts com<sup>it</sup>tee, to present to his maj<sup>ty</sup> the next yeare, the sajd com<sup>it</sup>tee being impowred to buy & prepare the same, & take care for hiring a ship in England for that purpose, husbanding the same at as litle charge as they cann, & in the meane time to write the letters to his majesty, & S<sup>r</sup> W<sup>m</sup> Warren, & Cap<sup>t</sup> Taylor, as

Further order  
abt y<sup>e</sup> 2 masts.  
Com<sup>it</sup>tees  
power to buy a  
ships loading.  
To be present-  
ed.

1666.

10 October.

was ordered the last Court, & to raise money for the present occasion by way of loane or otherwise, to the valeu of the last additionall country rate, ordered to be rayسد vpon the security of the country Tresurer, who is hereby impowred, vpon the credit of the country, to secure the same, & to make abatem<sup>t</sup> for alteration of species so farr as the co<sup>m</sup>ittee shall judg meet, who are to dispose of the same for the ends aforesajd, or otherwise for the good of the country, as they shall judge any oppertunity may present, in order to the continuance of our precious libertjes w<sup>th</sup>out interruption, through the blessing of the Lord smiling vpon our endeavo<sup>r</sup>s. And the co<sup>m</sup>ittee is hereby further impowred for the raysing of such other su<sup>m</sup>e or summes as they shall judge necessary ouer & besides what is herein exprest, & that in the same way, in order to the further prosecution & full effecting of the matter co<sup>m</sup>itted to their trust.

[\*581.]

Order requiring y<sup>e</sup> secret<sup>r</sup> & Tres. to signe y<sup>e</sup> co<sup>m</sup>ittees bills, in case, &c.

\*Itt is ordered, that the secretary & Tresurer shall signe all such orders as the co<sup>m</sup>ittee impowred to rajse money for the countrys vse shall agree vpon, & give them signed vnder their hands, in order to the raysing of the sajd money, & for the security of such as shall lend it.

It is ordered, that the letter herevnder written, passed by this Court, shall be signed by the secretary, & deli<sup>d</sup> to y<sup>e</sup> co<sup>m</sup>ittee to send.

Courts letter to the Lord Arlington, secretary of state, &c.

Right hon<sup>o</sup>ble : —

His majesties gracious letter, directed to the Governo<sup>r</sup> & council, dated the 22<sup>th</sup> day of February, 1665, was received & communicated to the council the 17<sup>th</sup> July, 1666.

Wee doe, w<sup>th</sup> all thankfullnes, acknowledge his great care in forewarning vs of our danger by the French & Dutch, & directing vs to prepare for our defence, which, according to our weake ability wee haue been, & are endeavoring.

As touching the reducing of Cannada, &c, the council having aduised w<sup>th</sup> S<sup>r</sup> Thomas Temple, go<sup>v</sup>no<sup>r</sup> of Nova Scotia, & w<sup>th</sup> the governo<sup>r</sup> of Conecticot, who both concluded w<sup>th</sup> them that it is not at present feazable, as well in respect of the difficulty (if not impossibillity) of a land march ouer the rocky mountejnes & howling desarts about fower hundred miles, as the strength of the French there, according to reports.

His majestjes declaration of the warr ag<sup>t</sup> France, sent inclosed, it was solemnly published here by sound of trumpet.

Wee haue susteyned some losse & da<sup>m</sup>age by the French & Dutch in our shipping abroad, & in our smaller vessells vpon our coasts, where at our very doores a man of warr hath taken two or three vessells, to a considerable

value; wherevpon some of ours, by comission from hence, haue lately taken three or fower of their fishing shippes vpon the coast of Cannada; & for the future wee shall endeavo<sup>r</sup>, by the asistance of God, to preserue & defend the hono<sup>r</sup> & interest of his maj<sup>ty</sup> & the English nation in these parts. Not willing to give your hono<sup>r</sup> further trouble, presenting our humble service to your hono<sup>r</sup>, remajne, my lord,

Your very humble servants,

EDWARD RAWSON, Secrety.

Boston, in New England, 24 Octob<sup>r</sup>, 1666.

1666.

10 October.

Whereas, by order of the Generall Court, now sitting in Boston, in New England, M<sup>r</sup> Henry Ashurst, w<sup>th</sup> some others of our ffreinds in London, are impowred to take vp vpon loane to the value of one thousand pounds, and to disburse the same as to them may seeme behoofefull for the good of the country, according to more particular instructions given, these are to obleige the Generall Court of the colony of the Massachusetts, on all demands, to make due & just payment thereof, w<sup>th</sup> full recompence for all damāges susteyned for the loane thereof; and in testimony of this Courts obligation thereto, wee haue appointed our Treasurer to signe this order as the act of this Court, and that there be affixed the seale of the colony hereto.

Courts act for money in England to furnish their occasions. Courts obligation. Tresu<sup>r</sup> to sign, & seale to be affixt.

Whereas Benjamin Gillam, Juñ, brought in his prizes, a seventeen Frenchmen, and that Hopefor Bendall, coming from Yorke lately, brought two Frenchmen from the honored Governo<sup>r</sup> of New York, Colonel Richard Nicolls, as a token to S<sup>r</sup> Thomas Temple, which he refusing to accept of, it is ordered, (for the prevention of vnnecessary trouble & charges that may come to the country by their being left heere,) that the sajd Benjamin Gillam shall & hereby is enjoyned, by some of these shippes now going for England, to send away all the Frenchmen he brought in on pœnalty of forty shillings p weeke for euery such Frenchman that shall, after the shippes be gonn, be found here, to be levyed by any constable by order from the Gouvern<sup>r</sup> or majo<sup>r</sup> generall; and that the sajd Hopefor Bendall is hereby enjoyned to giue his bond of one hundred pounds, payable to the Tresurer of the country, in case he neglect his duty to take the two Frenchmen by him so brought in into his ship, & carry them away to England w<sup>th</sup> him; on w<sup>ch</sup> his bond so given to performe this order, the secretary is to give him a cirtifficat to y<sup>e</sup> cap<sup>t</sup> of y<sup>e</sup> Castle to lett him passe, or, on his refusall, to require the cap<sup>t</sup> of y<sup>e</sup> Castle to stop him till y<sup>e</sup> order be performed.

Order requiring Benja. Gillam, Jun<sup>r</sup>, to transport y<sup>e</sup> Frenchmen out of y<sup>e</sup> colony, &c.

Like order for Hopefor Bendall.

\*It was voted by the whole Court mett together, that Cap<sup>t</sup> Daniell Gookin shall haue liberty to buy one hundred weight of gunpowder, & y<sup>e</sup> M<sup>r</sup> [\*582.]

1666. Hezekiah Vsher shall haue liberty to sell the same to him, & y<sup>e</sup> sajd Cap<sup>t</sup> Gookin hath liberty to dispose thereof to the Indians.

10 October.  
Cap<sup>t</sup> Gookins  
liberty for powder to dispose thereof to y<sup>e</sup> Indians.

Mr Thomas Danforth, the secretary, & Cap<sup>t</sup> Norton, are appointed a comittee to pervse the lawes of this yeare, & determine w<sup>ch</sup> of them shall be printed.

1667. *Att a Generall Court of Election, held at Boston, 15<sup>th</sup> of May, 1667.*

15 May.

**R**ICHARD BELLINGHAM, Esq<sup>r</sup>, was chosen Governo<sup>r</sup>, & tooke his oath in open Court.

Francis Willoughby, Esq<sup>r</sup>, was chosen Dep<sup>t</sup> Gouverno<sup>r</sup>, & tooke his oath 22 May, 1667.

Symon Bradstreet, Esq <sup>r</sup> ,	16 May, 67, & Co <sup>m</sup> missioner for y <sup>e</sup> collonjes, 2 <sup>d</sup> .
Samuell Symons,	15
Daniel Gookin,	15
Daniel Dennison,	16
Symon Willard,	15 were chosen Asistants & tooke their oathes.
Richard Russell, Esq <sup>r</sup> s,	17 & was chosen Tres <sup>r</sup> .
Thomas Danforth,	17 & Co <sup>m</sup> missioner for y <sup>e</sup> Vnited Colonjes, 1 <sup>st</sup> .
W <sup>m</sup> Hauthorne,	15
Eliaz <sup>r</sup> Lusher,	15
Jn <sup>o</sup> Leueret,	15 & Major Gen <sup>l</sup> l, & Co <sup>m</sup> missioners in reserve.
Jn <sup>o</sup> Pinchon,	15

Edward Rawson was chosen Secre<sup>t</sup>y.

The names of the deputjes returned to serve at this Court ffrom the seuerall townes were, —

Cap<sup>t</sup> George Corwin, M<sup>r</sup> Henry Bartholmew, Salem.

Cap<sup>t</sup> Fran<sup>c</sup> Norton, M<sup>r</sup> W<sup>m</sup> Stiltson, Charles Toune.

Cap<sup>t</sup> Hopedil Foster, M<sup>r</sup> W<sup>m</sup> Sumner, Dorchester.

Cap<sup>t</sup> Thomas Clarke, M<sup>r</sup> Anthony Stoddard, Boston.

M<sup>r</sup> W<sup>m</sup> Parks, Lef<sup>t</sup> Griffin Crafts, Roxbury.

Lef<sup>t</sup> Rich Beers, ^ Water Toune.

M<sup>r</sup> Edw<sup>o</sup> Collings, M<sup>r</sup> Edw<sup>o</sup> Jackson, Cambridge.

Cap<sup>t</sup> Thomas Marshall, Lynne.

Cap<sup>t</sup> Jn<sup>o</sup> Appleton, M<sup>r</sup> W<sup>m</sup> Goodhue, Ipswich.

M<sup>r</sup> Joseph Hills, Newbery.

M<sup>r</sup> James Nash, Weimouth.

Cap<sup>t</sup> Josh Hubbard, Hingham.  
 M<sup>r</sup> John Smedley, Concord.  
 Dedham, Left Josh Fisher, Ens<sup>i</sup>g Dan<sup>i</sup> Fisher.  
 M<sup>r</sup> Elizur Hollioke, Springfeild.  
 M<sup>r</sup> Jeremiah Houchin, Salisbury.  
 M<sup>r</sup> W<sup>m</sup> Fuller, Hampton.  
 M<sup>r</sup> Rich Swan, Rouley.  
 Cap<sup>t</sup> Rich Bracket, Braintry.  
 Cap<sup>t</sup> Richard Waldern, Douër.  
 M<sup>r</sup> Elias Stileman, Portsmouth.  
 Cap<sup>t</sup> Edw<sup>o</sup> Johnson, Wooborne.  
 M<sup>r</sup> Ralph Wheelocke, Meadfeild.  
 M<sup>r</sup> W<sup>m</sup> Holton, North Hampton.  
 Left Samuell Smith, Hadley.  
 M<sup>r</sup> Peter Tilton, M<sup>r</sup> Th<sup>o</sup> Hincksman, Chelmsford.  
 M<sup>r</sup> Henry Palmer, Haverhill.  
 M<sup>r</sup> Humphry Daury, Billirrica.  
 Cap<sup>t</sup> John Wayte, Malden.

1667.

15 May.

Cap<sup>t</sup> Richard Waldern was chosen Speaker for this session.

\*Itt is ordered by this Court & the authority thereof, that all shippes & [\*583.]  
 vessells aboue twenty tunnes, that trade w<sup>th</sup> in our ports, belonging to other  
 places, or that the greater part of the owners thereof are not inhabitants of this  
 jurisdiction, shall pay halfe a pound of gunpowder, or the full value thereof in  
 money, for euery tun of burthen they are of, euery voyage they make hither,  
 towards prouision for publicke fortification, w<sup>ch</sup> is to be paid to the persons  
 hereafter named, or to whom they shall depute, vnder their hands: for the  
 ports of Boston & Charls Toune, Majo<sup>r</sup> Generall Leuerett; for Salem & Mar-  
 blehead, Majo<sup>r</sup> W<sup>m</sup> Hawthorne; for Piscataqua Riuer, M<sup>r</sup> Richard Cutts;  
 and in case y<sup>e</sup> master or co<sup>m</sup>ander of any such ships or vessells shall refuse,  
 vpon demand, to pay the same, it shall be lawfull for the said gentlemen, or  
 any one of them, to send forth their warrants to any marshall or constable to  
 distrejne vpon the goods of such masters or co<sup>m</sup>anders, or on any of the ap-  
 purtenances of their vessells, for the same, w<sup>th</sup> the charges thereof. And the  
 gentlemen appointed as aforesaid shall be accountable to the Generall Court,  
 when called therevnto, for what they shall receive by virtue of this order, &  
 are to deliuer the powder or money they haue in their hands once euery yeare,  
 or oftner, vnto the suruejo<sup>r</sup> generall, excepting one shilling out of euery

Order for rays-  
 ing of a stock  
 of powder.  
 Tonnage.

1667. twenty shillings they shall receive, which shall be allowed them for defreying their necessary charges thereabouts.

15 May.

Order for fortification in y<sup>e</sup> seuerall townes.

This Court, being desirous to vse the best meanes w<sup>th</sup>in their power to preserue the welfare & safety of the people, especially in these times of motion & danger, from enemjes by sea & land, doe hereby order, appoint, & empower the co<sup>m</sup>itte<sup>e</sup> of militia in euery toune, together w<sup>th</sup> the selectmen thereof, or the majo<sup>r</sup> part of them, to erect, or cause to be erected, w<sup>th</sup>in their townes, either inclosing the meeting houses, or in some other convenient place, a fortification, or fort, of stone, bricke, timber, or earth, as the places may be most capable, of such dimensions as may best suite their abillity & vse; in which fortification the weomen, children, & aged persons may be secured, in case of any suddaine danger, whereby the souldjers may be more free to oppose an enemy: for the effecting whereof, itt is hereby ordered, that the trayned souldiers, both horse & ffoote, in euery toune, vpon their trayning dayes, shall be implojed about building the sajd fort, at the guidance of the cheife military officers of the toune; and all o<sup>t</sup>hers exempted from ordinary traynings, who haue estates or bodily abillity, that dwell in the toune, or belong to it, they shall also, according to proportion, contribute their helpe & asistance in bodily labour or otherwise, according as the co<sup>m</sup>itte<sup>e</sup> of militia & selectmen shall order & appoint; and all who neglect or refuse their diligent attendance, or otherways to promote the sajd worke, they shall be fined fve shillings a day a man, as the lawe directs, for non attendance at ordinary trayning, and all others who are absent from traynings by necessary occasions shall allow two shillings sixe pence p day; and where there is vse of teemes & carts, they are to attend the worke vpon the dayes appointed, & shall be allowed for a man two oxen & cart, in proportion to two souldjers labour, & so in proportion for greater teames.

And it is further ordered, that the sajd ffortifications shall be forthwith taken in hand & prosecuted vntill they be finished, according to the meanes before prescribed; & this order is forthwith to be printed & sent to the seuerall townes.

Provision for powder.

To the end that there may be some addition made to the countreys stocke of powder, it is hereby ordered, that the country Treasurer shall procure sixe barrells of the powder now in the hand of Cap<sup>t</sup> W<sup>m</sup> DAVIS, making payment for the same out of the pay *the pay* that is due from Cap<sup>t</sup> Bredon, which he ingaged for Benjamin Gillam, Jun<sup>r</sup>; as also three barrells is to be paid for by a peece of ground lying neere the prison, as by an order of this present session is more fully declared, the which nine barrells are to be putt into the publicke store, & for the remainder of the two & twenty barrells secured for

the countrys vse, the seuerall townes in this jurisdiction shall haue liberty at any time before the last of June now next coming to procure the same, they paying for the sajd powder as they cann agree; otherwise the gentlemen to be at liberty to dispose of it for their best advantage.

1667.

15 May.

\*And it is hereby ffurther ordered, that the majo<sup>r</sup> generall doe forthw<sup>th</sup> issue out his warrants to the majo<sup>rs</sup> of the seuerall regiments, requiring them to make dilligent enquiry into the state of the seuerall companys, & in all respects to act as in the late order of May, 1666, is provided.

[\*584.]

Maj<sup>rs</sup> Gen<sup>ls</sup> to  
inquire into y<sup>e</sup>  
state of y<sup>e</sup> regi-  
m<sup>ts</sup>, &c.

It being of great concernment to the publick weale of this jurisdiction, that all such as are members of the Generall Court doe constantly attend their respectiue trusts in the sajd Court, it is ordered by this Court and the authority thereof, that henceforth it shall not be lawfull for any member of the Generall Court to absent himself from the Court w<sup>th</sup>out licence of both houses first had & obteyned, on pœnalty of twenty shillings a day, and for the first fower dayes of the Court of Election, the pœnalty to be as in the printed law; and that there may be a due observance hereof, the secretary & clarke of the deputjes shall, in their respective places, enter in their daybooks all defaults made by any of the members of either house, & before the rising of the Court present the same to the whole Court.

Pœnalty for  
magis<sup>s</sup> & dep  
ty<sup>s</sup> absent from  
y<sup>e</sup> Gen<sup>l</sup> Court  
each day w<sup>th</sup>out  
licence.

This Court, considering that the trayning days this yeare are appointed to other worke, doe therefore judge meete to order that there be a cessation of all regimentall excercises for this yeare, & that the next yeare the regiment of the county of Midlesex doe meete & excercise, & after that yearely, the other regiments to take place successiuey, as in times past.

Midlesex regi-  
m<sup>t</sup> to meet to-  
gether next  
yeare, & others  
successiuey.

Mr Thomas Danforth, Majo<sup>r</sup> Generall Jn<sup>o</sup> Leueret, Cap<sup>t</sup> Georg Coruin, Mr Anthony Stoddard, & Mr W<sup>m</sup> Parks, are appointed a co<sup>m</sup>ittee to treat & agree w<sup>th</sup> the master or masters of the mint, in refference to some allowance annually, or otherwise, for & in consideration of the charge the country hath binn at in erecting a mint house, & for the vse of it for so many yeares, w<sup>th</sup>out any considerable satisfaction, & to make returne thereof to the next session of this Court; and in case they cannot agree w<sup>th</sup> the present mint masters, they are impowred to make such agreement as they cann w<sup>th</sup> any other.

Co<sup>m</sup>ittee about  
the mint.

In ans<sup>r</sup> to an humble motion made in behalfe of Salem, it is ordered, that three barrells of powder out of the countrys store shall be allowed them, so as they be accomptable for the same, in case it be not spent in the service of the country, & also two or three gunns, if there be any to spare.

3 barrells of  
powder & 2 or  
3 gunns allowed  
to Salem, &c.

Vpon the comp<sup>lt</sup> of Mr Broughton, that he is vnder pressure, not being in a capacity to haue his case heard, the Court judgeth it meete to allow him

Courts grant of  
liberty to Mr  
Broughton.

1667.

15 May.

Ans<sup>r</sup> to Jn<sup>r</sup>  
Woodydys  
peti<sup>o</sup>n.

liberty to implead M<sup>r</sup> Checkly at the next County Court; & his keeper shall & is hereby required to bring him fforth, vpon his desire accordingly, he securing him for his returning to prison againe.

In answer to the peti<sup>o</sup>n of John Wooddin, of Portsmouth, in Piscataqua, humbly desiring the favour of this Court, having been an auncient planter, aboue thirty two yeares standing, & a large family of children, and neuer had one ffoote of land given him, but forced to remoue from place to place, that he might be setled & enabled to bring vp his children in the feare of God, y<sup>t</sup> a meet portion of land maybe granted to him, the Court, hauing duely considered his peti<sup>o</sup>n, judge it meete to grant him one hundred & fifty acres of land in some such place as he shall choose, not formerly granted to others, & not prejudicing any plantation; & doe further order M<sup>r</sup> Henry Palmer, Thomas Whittyer, & Daniel Henrick, to lay it out accordingly in the place.

Courts grant to  
Cap<sup>t</sup> Daus, he  
to pay 3 bar-  
rells of good  
pouder, &c.  
Mainteyne y<sup>e</sup>  
fenc<sup>e</sup>, &c.

In ans<sup>r</sup> to the motion of Cap<sup>t</sup> W<sup>m</sup> Daus, for the purchasing of a smale parcell of land belonging to the country, lying in the prison close, the Court appointing a com<sup>i</sup>tee to vejw it, who returning that the quantity desired & agreed vpon was about thirty five pole, rainging vpon a streight line w<sup>th</sup> Cap<sup>t</sup> Daus his fence on the north, & so to take in the whole parcell of ground as it is now fenced to the south of that north lyne, it is ordered by this Court, & this Court doeth graunt the sajd land, so vejwed & bounded as aboue is expressed, to y<sup>e</sup> sajd Cap<sup>t</sup> W<sup>m</sup> Daus & his heires, he paying three barrells of good pouder for the same when demanded of him, for the countrys vse, & that he remooe the house belonging to the country standing on the sajd land vpon the countrys land adjoyning at his oune charge, & also make & mainteyne the ffenc betweene his land & y<sup>e</sup> land belonging to the prison adjoyning foreuer.

Courts ans<sup>r</sup> to  
cap<sup>t</sup> castles  
quæries.

In answer to the quæries of the captaine of the Castle, it is ordered, that the Tresurer provide, or cause to be provided, vpon the countrys account, a new flag for the Castle; and that the com<sup>i</sup>tee of militia for Charls Toune compleat their numbers of souldjers appointed for y<sup>e</sup> service of the Castle by order of y<sup>e</sup> Court.

[\*585.]

Ans<sup>r</sup> to M<sup>r</sup>  
Minots peti-  
<sup>o</sup>n.

\*In ans<sup>r</sup> to the petition of M<sup>r</sup> James Minot, humbly desiring the favour of this Court to grant him a revejw of his case as relating to Francis Tree, hir laying an illegittimate childe (which she lately brought forth) vnto him, so as the County Court in January last hath by their order at present stated the weekly maintenance thereof vpon him, the Court judgeth it meete to grant the peti<sup>o</sup>ner the liberty of a revejw of the whole case at the next County Court for Suffolke.

In ans<sup>r</sup> to the petition of seuerall the inhabitants of Hadley, the Court,

having considered the contents thereof, and also having heard the allegations respectively presented by both parties, Thomas Meakins, Willjam Allis, & Isack Graues appearing in behalfe of the petitioners, Mr John Russell, pastour of the church there, Mr Samuell Smith, & Mr Peter Tilton in behalfe of the towne, doe find that the plantation, being as yet in its infancy, to make a division thereof at present, otherwise then by a mutuall agreement, will be of ill consequence in sundry respects; but vnderstanding that they haue had some proposalls among them for settling another minister in that place, whereby they may be enabled to accomodate the petitioners in those seasons when the passage to the towne is more difficult, and doe apphend that a joint endeavor to effect the same may (at present) be the best expedient to issue the difference betweene them.

1667.

15 May.

Ans<sup>r</sup> to y<sup>e</sup> inhabitants of Hadleys petition.

In answer to the petition of Alexander Beck, humbly craving the favour of this Court to order that the Tresurer may satisfie him for what is due to him for keeping John Gaskin, & John Clarke, a seaman, of Christophers, being put to him by y<sup>e</sup> honnord Gov<sup>r</sup>no<sup>r</sup>, & he agreeing w<sup>th</sup> the constable for sixe shillings p weeke, &c, it is ordered, that the comitte appointed to take care for Xtophers people agree w<sup>th</sup> & satisfie the petitioner what shall be justly due out of what stocke remajnes in their hands of the contribution.

Ans<sup>r</sup> to Al<sup>r</sup> Becks petition.

In ans<sup>r</sup> to the petition of the inhabitants of Exiter, humbly craving the favour of this Court to grant them an enlargement on the backside of their towne, west & by north tenn miles, and that Mr Wiggin, dwelling in Swampscot, may contribute to the publicke maintenanc of the ministry here, itt is ordered, that Cap<sup>t</sup> Richard Walderne, Cap<sup>t</sup> Robert Pike, & Mr Samuell Dalton, as a comitte, shall & hereby are appointed to vejw the land desired by the petitioners, & make their report to the next Court; & as for that part of their petition referring to Swampscot, the Court refers them to a former order of this Court.

Ans<sup>r</sup> to inhabitants of Exiturs petition.

In ans<sup>r</sup> to the petition of Douer & Portsmouth, it is ordered, that Cap<sup>t</sup> Richard Walderne, Mr Richard Cutts, & Mr Elias Stileman jointly & seuerally shall & hereby are impowred w<sup>th</sup> magistraticall power, & enabled to act w<sup>th</sup>in the bounds & places of the jurisdiction of the Courts of Douer & Portsmouth as matters & cases may present, vntill the next Court of Election.

Ans<sup>r</sup> to the inhabitants of Dover & Portsmouth petition.

In obedience to an order of the honored Generall Court, dated the twenty third of May, 1666, Thō Noyes, of Sudbury, Leiftennant Challice, of Salisbury new towne, John Parker, of Billirrikey, did meete at Hauerill, the 31<sup>th</sup> day of October, 1666, to runn the bounds of Hauerill, according to order comitted vnto vs. Wee begann at the meeting house, & runne a due west

Comittees returne of y<sup>e</sup> line betweene Hauerill & Salisbury.

1667.

15 May.

line just eight miles; there wee reared vp a heape of stones, & from thence rann a due south ljne to Merrymake Riuer, & stated a due north ljne from the sajd heape of stones to meet w<sup>th</sup> & close the ljne northwest from the bound at Merrimak Riuer that divides betweene Hauerill & Salisbury, which bound is just two miles & fowerteen score poles from Hauerill meeting house, which ljeth about east north east, & there wee ceast our worke at that time for want of the order wherein that ljne was prefixt betweene Salisbury & Hauerill from the sajd bounds at Holts Rocks; then the sajd comittee did appointe to meete againe to finish the worke about the bounds vpon the first second day of May next following. This worke was donne by Thomas Noyse, deceased, & refused to be subscribed vnto by Leiftennant Chalice, being left alone to make his returne to the honored Court by him, who is your servant wherin yow shall comānd,

JOHN PARKER.

[\*586.] The Court doe approue of this returne of the bounds of Hauerill, so farr \*as the same was stated by Ensigne Noyse & the rest of the comittee appointed therevnto before the death of Ensigne Noyse; but as for the bounds betweene Hauerill & Salisbury new toun, it is setled as this Court hath determined this session.

Courts impow-  
ring W<sup>m</sup>  
French to  
joyn persons  
in marriag at  
Billirrikey, &c.

It is ordered by this Court & the authority thereof, that Willjam French, of Billirrikey, shall & is hereby impowred to joyne persons in marriage in the toun where he liues, provided either of the partjes belong to the sajd toun; and he is hereby required carefully to transmitt a certificat of all marriages made before him vnto the clarke of the writts, to be recorded according to lawe.

Line betweene  
Hauerill &  
Salisbury.

As a final issue of all differences betweene the two tounes of Hauerill & Salisbury new toun in refference to their bounds, the Court, hauing heard what all parties concerned could say therein, judge meete to confirme the ljne w<sup>ch</sup> was runn by the comittee, & agreement of both the tounes, begining at a tree neere Holts Rocks, neere Merremak Riuers syde, & runing vpon a north-west ljne, as they apphended, to Brandy Brow, & from thence to Derby Hill, & so to a white pine about a mile further, marked H S; & this to be the diuiding line betweene them so farre, w<sup>ch</sup> was agreed on by both the tounes, & haue binn since confirmed by perambulations.

Ans<sup>r</sup> to Ann  
Colcords peti-  
con.

In ans<sup>r</sup> to the petiçon of Ann Colcord, in behalf of hirsself & family, humbly desiring the favo<sup>r</sup> of this Court to order a comittee from this Court to heare seuerall intricat & difficult cases betweene hir husband, Edward Colcord, & seuerall others, making their report to this Court what they cannot deter-

mine, &c, the Court, duely considering the contents of hir petiçon, see no cause to grant hir request.

1667.

In ans<sup>r</sup> to the petition of Christopher Palmer, humbly desiring the favor of this Court to remitt him the forfeiture of his bond, the Court judgeth it meete to remitt the forfeiture thereof to five pounds, he paying it speedily.

15 May.

Ans<sup>r</sup> to Christ. Palmers petiçon, his bond remitted to, &c.

Vpon the pervsall of a letter sent from M<sup>r</sup> John Vassall, & the people w<sup>th</sup> him at Cape Feare, directed to Major Gene<sup>ll</sup> John Leueret, desiring that they may haue some releife in their distresse, & hauing information that the honored Governo<sup>r</sup>, Deputy Governo<sup>r</sup>, & some others of our honored magistrates, encouraged a contribution for the releife of those people, the which contribution hath beene made in many places, & hath been comitted to the care of M<sup>r</sup> Peter Olliuier & John Bateman, of Boston, who hath sent out a vessell for the releife of those people, this Court doeth allow what hath beene donne therein, & doe order that the sajd M<sup>r</sup> Peter Olliuier & John Bateman doe carry on the sd contributions, who are hereby impowred to receive the same; & they are further ordered to keepe exact accompts of their receipts & disbursments, that they may render the same when they are called thereto by this Court.

Order as to y<sup>e</sup> contributions for Cape Feare M<sup>r</sup> Pet. Olliuier & M<sup>r</sup> Jn<sup>o</sup> Bateman to order it, &c.

Humbly sheweth this honored Court that wee, Richard Beers, of Water Toune, & Thomas Noyse, of Sudbury, being appointed to lay out & measure to the inhabitants of Concord a tract or tracts of land next adjoyning to their first grant, in order vnto which wee (the abouesajd) did lay out & measure vnto the inhabitants of Concord their second grant, being five thousand acres of land, granted in the yeare 1655, next adjoyning to their first grant, beginning at the southwest angle of their old bounds, extending their sajd southerly l<sup>j</sup>ne vpon a norwest point, fower degrees northerly, (according to the meridian compasse,) two miles & two hundred & eighty rods, there making a right angle on a bare hill; & from thence a l<sup>j</sup>ne vpon a north east point, fower degrees easterly, two miles one halfe & fifty rodde; there meeting w<sup>th</sup> Nashobas plantation l<sup>j</sup>ne, runing the l<sup>j</sup>ne of the sajd plantation to their angle one mile one quarter & sixty rods neerest hand vpon an easterly point; there making a right angle, runing a l<sup>j</sup>ne, being the l<sup>j</sup>ne of the Indian plantation, two miles one quarter & sixty rods; there being bounded by Chelmsford l<sup>j</sup>ne & Billirrikey l<sup>j</sup>ne, as is more plainly described by a plott, in which plot is conteyned nine thousand & eight hundred acres of land, one thousand & eight hundred acres being formerly granted to Major Willard, the other eight

23 May, 1666.  
Concord 8000  
acres of land  
layd out.

By w<sup>ch</sup> Maj<sup>r</sup>  
Willard hath  
1800.

1667. thousand being granted to the inhabitants of Concord, & lajd out the 5<sup>th</sup>  
 May, 66.

15 May.

Given vnder our hands,

RICHARD BEERS, }  
 THOMAS NOYS, } Surveyo<sup>r</sup>.

The Court approoves of this returne.

E. R., S.

Ans<sup>r</sup> to Hau-  
 leys peti<sup>o</sup>n.

In ans<sup>r</sup> to the petition of Thomas Hawley, humbly craving the favo<sup>r</sup> of this Court to grant him a hearing of his case betweene him & Joseph Holmes, tried at a late Court of Asistants, the Court grants his request, provided he put in sufficient caution for the charge of the Court.

[\*587.]  
 Weymans  
 farne of 500  
 acres y<sup>t</sup> was  
 M<sup>r</sup> Coytmores.

\*According to the order of the honored Generall Court, & the direction of the co<sup>m</sup>ittee appointed by the Court, there is lajd out five hundred acres of land, more or lesse, to Francis & John Wyman, in Wooborne bounds, next adjoyning to their oune land where their houses stand.

It beginns at the north west corner of their oune land, & is bounded by Billirricas l<sup>j</sup>ne on the west two hundred twenty & two pole, which reacheth vnto the cart path neere the meadow vpon Stop Brooke; from thenc it runns vp neere the meadow vpon Stop Brooke one hundred eighty & two pole vnto a great pine; from thence it runns neere the side of a great swampe one hundred & seventy pole vnto another pine; & from thence it turnes & runnes eighty & eight pole vnto a white oake, which is the south east corner; from thenc returns & runns about two degrees eastward of the north two hundred forty & eight pole vnto a blacke oake standing on the west side of a great hill; & from thence it runns one hundred seventy & sixe pole to the southwest angle of their oune land w<sup>ch</sup> they had of Wooborne; & from this last angle it is bounded by their oune land vntill it comes to Billirrica l<sup>j</sup>ne, where wee begann. All w<sup>ch</sup> l<sup>j</sup>nes are runne according to the order of the co<sup>m</sup>ittee, & sufficiently bounded by marked trees. The exact forme & manner of the lying of it is further demonstrated by a plot taken of the same by

JONATH: DANFORTH, Surveyo<sup>r</sup>.

The Court approoves of this returne.

Ans<sup>r</sup> to Mary  
 Wards peti<sup>o</sup>n.

In ans<sup>r</sup> to the petition of Mary Ward, wyddow, the Court, on p<sup>e</sup>rvsall of the peti<sup>o</sup>n, declares that the cognizanc thereof belongs to the County Court of Suffolke, to whom it is referred.

Lajd out to Ensigne Samuel Greene, of Cambridg, printer, three hundred acres of land, in the wilderness, on the north of Merremacke River, & on the west of Hauerill bounds, on the north east of two litle ponds, beginning at a red oake in Hauerill lñe ; & from thence runns due south one hundred pole, which is Hauerill line ; & from thence it runns to the mouth of a smale pond called New Found Pond ; & from the first tree runns north west & by north fower hundred & fower pole vnto a stake ; & from this stake it runns in a streight lñe to the mouth of another litle pond, where the brook comes out of it ; & from thence in a direct lñe to the north east part of the first pond ; all which is more fully demonstrated by a plott taken of the same.

17 3 ð, 1667.

By JONATHAN DANFORTH, Surveyor.

The Court allowes of the returne of this farme as lajd out.

In ans<sup>r</sup> to the petition of M<sup>rs</sup> Grace Bulkley, y<sup>e</sup> relict of y<sup>e</sup> late M<sup>r</sup> Peter Bulkley, itt is ordered, that Major Symon Willard, M<sup>r</sup> John Parker, & M<sup>r</sup> Jn<sup>o</sup> Furnill shall & hereby are appointed a comitte, who are to reparaire to Concord at such time as Major Willard shall appoint, & call all partjes concerned before them, & make their report to this Court at their next sessions of what they shall finde.

1667.

15 May.  
Ensigne  
Greens farme  
of 300 ac<sup>s</sup> lajd  
out, &c.

In ans<sup>r</sup> to the petition of Cap<sup>t</sup> W<sup>m</sup> Daus & M<sup>r</sup> John Hull, in behalfe of the children of M<sup>r</sup> John Alcocke, & in refferenc to the dispose of his estate, the Court judgeth it meet to desire & order, that Cap<sup>t</sup> W<sup>m</sup> Daus & Lef<sup>t</sup> Jn<sup>o</sup> Hull take the best care they cann of the children & family, in disposing of them to such ffreinds, or otherwise providing for them as they may, and preparing all things concerning that estate betweene this & the next County Court for Suffolke, who haue power to act herein, & that they dispose of the same, & order what is necessary to be donne referring there vnto according to lawe.

Ans<sup>r</sup> to M<sup>rs</sup>  
Bulkleys peti-  
con.

Cap<sup>t</sup> Daus &  
Lef<sup>t</sup> Hull im-  
powrd to dis-  
pose & provide  
for M<sup>r</sup> Alcockes  
children & fam-  
ily.

It is ordered, that the Tresurer of the country shall & hereby is impowred to dispose of Indian corne or other comoditjes that are in his hand belonging to the country as he best cann, for money, therewith to satisfy such gentlemen who may haue disburst money for the country in payment for the two masts sent as a present to his majesty by Cap<sup>t</sup> Peirce his shipp last yeare, or any other charges relating therevnto.

Tresurers pow-  
er to dispose of  
Indian, &c.

M<sup>r</sup> Richard Russell is appointed to keepe the County Court at Portsmouth & Douer for this yeare, w<sup>ch</sup> he being not able to attend, but procuring Major W<sup>m</sup> Hawthorn to supply his place, y<sup>e</sup> Court allowed thereof.

Maj<sup>r</sup> Hau-  
thorn in M<sup>r</sup>  
Russells steed  
to keep Ports-  
mouth & Do-  
uer Courts.

1667.

15 May.

Maj<sup>r</sup> Dennison  
for Hampton  
& Salisbury.  
Ans<sup>r</sup> to Ste-  
phen Days pe-  
ti<sup>o</sup>n, 20 acres  
of meadow  
gr<sup>t</sup>ed him &  
liberty.

Maj<sup>r</sup> Ge<sup>o</sup>ll Daniel Dennison is appointed to keepe the County Courts at Hampton & Salisbury for this yeare.

In ans<sup>r</sup> to the peti<sup>o</sup>n of Stephen Day, it is ordered, that the peti<sup>o</sup>ner hath liberty to procure of the sagamore of Nashoway, now Lancaster, by sale or otherwise, to the quantity of one hundred & fifty acres of vpland; & this Court doeth also grant the peti<sup>o</sup>ner twenty acres of meadow where he can find it free of former grants.

\*In ans<sup>r</sup> to the petition of the inhabitants of Water Toune, humbly crauing the favour of this Court to give them releife as to the bridge lately carryed away by y<sup>e</sup> ice, &c, neere Water Toune mill, &c, the Court sees no cause to grant their request.

[\*588.]

Ans<sup>r</sup> to Water  
Tounes peti-  
o<sup>n</sup>.

Courts judgm<sup>t</sup>  
in Boremans  
case, &c.

In the case now in Court betweene Thomas Boreman, pl<sup>t</sup>, & John Lighton, defendt, coming to this Courts cognizance by reason of disagreement of bench & jury at the Court of Asistants, the Court, on a full hearing of the case, & all pleas & evidences therein, doe find for the plaintiff, the sajd Boreman, the land in controuersy, & costs of Courts seven pounds eleven shillings & sixpence.

Courts judgm<sup>t</sup>  
in Tylers case.

In the case now depending betweene Job Tyler & Thomas Chandler, coming to this Court by reason of disagreement betweene bench & jury at the Court of Asistants, the Court, hauing heard all the evidences & pleas of both partjes, & duely considered thereof, confirme the judgment of the County Court held at Cambridge, October 3<sup>d</sup>, 1665, i. e., forty three pounds, & two pounds eight & sixpence costs; the payment made by the plaintiff, in p<sup>t</sup> of y<sup>e</sup> purchase, thirty eight pounds, to be returned him by y<sup>e</sup> defendt in kind & bill, for thirty pounds giuen by the plaintiff, to be returned & made null, & costs of y<sup>e</sup> Court, & fower pounds seuenteen & six penc.

Courts judg-  
ment in Salters  
& Woodman-  
seys case.

In the case now in Court betweene W<sup>m</sup> Salter, prison keeper, & John Woodmansey, com<sup>i</sup>ng to this Court vpon the petition of the sajd Salter, the Court, vpon a full hearing of the case, & due consideration thereof, doe find for the plaintiff, the sajd Salter, viz<sup>t</sup>, the reuersing of all the judgments of former Courts, & the repayment of such summe or summes of money or other pay as haue been recouered, & pajd by virtue of the sajd judgments, together w<sup>th</sup> costs of Courts.

Courts judg-  
ment in Arthur  
Masons case.

The Court, hauing considered the accusation & evidences ag<sup>t</sup> Arthur Mason, doe find that the words spoken by him, & found by the grand jury, were rash, insolent, & highly offensiue, yet, forasmuch as his accuser & witnesses in the case doe all cleare him from any overt act or euill intended against the kings most excellent maj<sup>ty</sup>, they doe not see just cause to proceed ag<sup>t</sup>

him as a capitoll offender, but doe sentenc him to be admonished in a solemne manner by the Governo<sup>r</sup>.

1667.

The whole Court mett together voted, that Mr Peter Lidget, as suerty for Michael White, in January last County Court, where judgm<sup>t</sup> passed for y<sup>e</sup> sd White, is no further bound, but dischargd.

15 May.

Mr Peter Lidget discharged of his suertyship for White.

In the case coming to this Court for its trjall, by the magis<sup>t</sup>s in the Court of Asistants last refusing the virdict of the jury in the case of Walter Burke, plaintiffe, ag<sup>t</sup> Michael White, defendt, after the Court had heard the atachm<sup>t</sup> & evidences in the case produced read, & which are on file, the Court found for the defendt costs of Courts.

Courts judgm<sup>t</sup> in Burks & Whites case.

Whereas this Court, vpon the petition of Ensigne Thomas Noyes & others, did nominate & appoint Cap<sup>t</sup> Gookin & some other gent<sup>n</sup> to vejw a place about tenn miles westward from Marlborough, at or about a place called Quansigamon Ponds, & to make report to this Court whither the place was capable of making a plantation, (as it is informed to be,) w<sup>ch</sup> worke hitherto hath been neglected, through the death of Thomas Noyes, & other impediments, it is therefore ordered by this Court, that Cap<sup>t</sup> Daniel Gookin, Cap<sup>t</sup> Edward Johnson, M<sup>r</sup> Samuell Andrews, & Andrew Belchar, Señ, or any three of them, be desired & impowred, as a co<sup>m</sup>ittee, to take an exact vejw of the sajd place as soone as conveniently they cann, & to make a true report to this Court whither it be capable to make a village, & what number of families (they conceiue) may be there accomodated; and if they finde it fitt for a plantation, then to offer vnto this Court some meete expedient how the same may be settled & improoued for the publick good; & this Court doth prohibbit the laying out of any grants in the sajd place vntill the co<sup>m</sup>ittee haue made returne, w<sup>ch</sup> the Court would haue donne by y<sup>e</sup> next sessions of this Court if it may be.

Co<sup>m</sup>ittee to vejw & report of Quansigamon as to a plantation.

The returne of Joshua Fisher, y<sup>t</sup> lajd out the Courts grant to Qunshapague, is an explanation of this plott, being the tounship of Qunshapage as it was lajd out according to the grant of the Generall Court. From A to B it is bounded by Charls Riuer; a white oake, being marked, on the south side of Charls Riuer at A, & a black oake on the north side of Charls Riuer at B; Charls Riuer east, & a line of fflower miles, want forty rod, from B to C, w<sup>th</sup> marked trees & heapes of stones; the countrys land north from C to D, a line of marked trees & heapes of stones, runing eight miles & a halfe; y<sup>e</sup> countrys land west, & so from D to E, eight miles; y<sup>e</sup> countrys land south, & so from E to F; y<sup>e</sup> countrys land east; a parcell of meadow, of thirty acres by estimation, on y<sup>e</sup> north l<sup>j</sup>ne from Charls Riuer, lajd out & deciphered in the plat. That the name thereof be Mendon; & it is ordered, y<sup>t</sup> Mendon be settled as

Quonshapague plantation lajd out & called Mendon.

The Court allows y<sup>e</sup> plat returnd & signd by Josh. Fisher.

1667. 15 May. [\*589.]  
 Their exemp-  
 tion from rates.

pt of the county of Middlesex, & that they & their \*successors be invested w<sup>th</sup> toun priuiledges, as other townes of this jurisdiction doe enjoy; & in respect of the distance from the bay, & low estate of the inhabitants there, shall be freed from country chardges the space of three yeares from the time of this grant.

The rest of w<sup>t</sup> they petition for concernes the County Court.

Ans<sup>r</sup> to Qua-  
 baugs petiçon.

In answer to the petition of the inhabitants at Quabaug.

This Court, hauing perused the grant which the Generall Court made anno 1660 to the first vndertakers for that place, doe finde that. 1. By their non observance of the condition of their grant, the same is altogether voyd, & that now the ordering & disposing thereof is wholly in this Courts power.

2. Considering that there is already at Quabauge about sixe or seven families, & that the place may be capable of receiving many more, this Court will readily grant them the liberty of a touneship when they shallbe in a ffit capacity.

3. In the meane time this Court appoints Cap<sup>t</sup> John Pinchon, John Aires, W<sup>m</sup> Prichard, Richard Coy, & John Younglow, or any three of them, whereof Cap<sup>t</sup> Pinchon to be one of the three, who shall haue power to admitt inhabitants, grant lands, & to order all the prudentiall affayres of the place in all respects, vntill it shall appeare that the place shall be so farr settled w<sup>th</sup> able men as that this Court may judge meete to give them the full liberty of a touneship according to lawe.

4. Because the inhabitants of Ipswich made the first motion for that plantation, & some of them haue binn at charges about it, although by their remisse prosecution they haue now lost all their right, yet, such of them as shall setle there by midsummer come twelue moneth, they shall haue an interest in the lands there in proportion w<sup>th</sup> others; but if by that time they shall not be there settled, they shall then loose their lands, & all their charges w<sup>ch</sup> they haue been at vpon y<sup>e</sup> place.

5. They are to take care for the getting & maynteyning of a godly minister among them, & that no evill persons, enemjes to the lawe of this comon weale in judgment or practise, be receaued as inhabitants.

6. For promoting of the aforesajd plantation, & encouragement thereof, this Court doeth now grant that plantation seven yeares freedom from all publick rates & taxes to the country, provided those inhabitants of Ipswich w<sup>ch</sup> intend to *inhabitants of Ipswich w<sup>ch</sup> jntend to* inhabit at Quabauge by midsummer come twelue month doe engage to give security to the abouesajd

cõmittee, w<sup>th</sup>in three moneths after the date hereof, that they will performe accordingly, that so others that would setle there may not be hindred.

1667.

15 May.

In answer to the petition of John Euered aljas Webb, it is ordered, that the petitioner shall haue liberty till the last of November next for the payment of his twenty pounds fine to the Tresurer.

Ans<sup>r</sup> to John Euered aljas Webbs petition.

According to the order of the hono<sup>rd</sup> Generall Court, there is layd out to M<sup>r</sup> John Euered aljas Webb, of Drawcutt, on Merrimack River, five hundred acres of land in the wildernes, on the north of Merremack Riuer, on the easterne side of Beavar Brooke, joyning to land formerly granted to M<sup>r</sup> Edward Ting, of Boston, now in the possession of the sajd Euered: forty acres of it lyeth joyning to the most westerly angle of the forenamed farme, and fower hundred & twenty acres of it lyeth joyning to the east side of the aforesajd farme, & forty acres at the north end of the ffarme; all which joyneth together excepting onely one smale parcell of about twenty & two acres, which yett lyeth in cõmon betweene Beavar Brooke & M<sup>r</sup> Tings farme aforesajd; otherwise Beavar Brooke doe bound this land on the northwest from the most northerly corner of it, w<sup>ch</sup> is at the brooke, to the northwest corner, w<sup>ch</sup> is vpon the brooke; the other part of the ffarme is sufficiently bounded; but it lying so much skirting vpon M<sup>r</sup> Tings ffarme, according to the nature of the grant & M<sup>r</sup> Webbs desire, the bounds thereof & the manner & forme thereof is best described by a plott taken of the same, & lajd out according to the order of the Court, 11 m, 66, by John Parker & Jonathan Danforth, w<sup>ch</sup> plot is on file. The Court allowes & approoues of the farme aboue lajd out.

M<sup>r</sup> Euered 500 acres lajd out & confirmd.

A plat of Marlborow plantation, lajd out on seuerall lynes by Samuel Andrewes, was presented to this Court, as begining at y<sup>e</sup> toune west lynes, runes three miles; y<sup>e</sup> north 7 degrees west, three miles w<sup>th</sup> a square at this end; N. 27 d<sup>e</sup> W., 248 rod; E. 29<sup>d</sup> Nō, 304 rod; S. E. 2 deg<sup>r</sup> S., 148 rod; S. & 6 deg<sup>e</sup> E., 134 rods; E. 25 dē Nō, 298 rod; west 25 deg S., seven miles; S. S. E. fiue miles; E. 9 deg<sup>e</sup> Nō, two miles three quarters; Sudbury River, S. E. 256 rods; E. two miles three quarters; N. E. & 6 Nō two miles 120 rod; Nō 17 dē E., 348 rod; Nō 1 mile three quarters. The Court allowes & approoues of this draft to be the bounds of the plantation of Marlborough, provided it interfeare not w<sup>th</sup> w<sup>th</sup> any former grants.

Marlborow plantation layd out; y<sup>e</sup> plot on file.

1667. *\*Att a second Sessions of the Generall Court of Election, held at  
Boston, 9<sup>th</sup> of October, 1667.*

9 October.

[\*590.]

PRESENT, Rich Bellingham, Esq̃, Gove<sup>r</sup>,  
Frā Willoughby, Esq̃, Dep<sup>t</sup> Gō,  
Symon Bradstreet, }  
Saṃ Symonds, }  
Danī Gookin, }  
Danī Dennison, }  
Symon Willard, }  
Rich Russell, } Esq̃s.  
Thō Danforth, }  
W<sup>m</sup> Hathorne, }  
Elia<sup>r</sup> Lusher, }  
Jn<sup>o</sup> Leueret, }  
Jn<sup>o</sup> Pinchon, }

Whereas the lawe, title Inkeepers, sec<sup>t</sup> 2<sup>d</sup>, hath provided that euery person licenced to keepe an ordinary shall alwayes be provided of strong wholesome beere, of fower bushells of mault, at the least, to a hogshead, which was jntended & is hereby declared to be of good barley mault, not to be sold for aboue two pence the ale quart, on pœnalty as in the sajd lawe is expressed, notw<sup>th</sup>standinge which many keepers of inns & ordinarjes, as regardless of the sajd lawe, or of the debasing of the produce of the country, take liberty to make & sell drinck brued of or mixed w<sup>th</sup> molasses, course sugars, or other materialls, to the damage, just offence, & prejudice of sundry persons, —

Molasses phib-  
bited to be put  
into beere, &c,  
by inkeepers  
vnder pœnalty,  
&c, 5<sup>l</sup>.

It is therefore ordered by this Court and the authority thereof, that no person licensed as aforesajd shall, after publication heereof, sell, or any wayes vtter, any beere, ale, or drinke in steed thereof, by retayle, that is not made altogether of good barley mault, w<sup>th</sup>out any mixture of molasses, course sugar, or other materialls instead of mault, on pœnalty of fīue pounds for euery such offence, one halfe to the informer, the other halfe to the county where such offence shall be comitted, besides the pœnaltjes in the former recited lawe, expresses on complaint to any magistrate, County Court, or comissioner for Boston, vnlesse the party complayned of shall legally prooue his or hir innocency therein; in which case it shall be in the liberty of the authority aforesajd to accept the oath of such person, if tendred to him or them, if they see cause; and the authority aforesajd are hereby impowred to heare &

determine such complaints, any lawe, custome, or vsage to the contrary notwithstanding.

There being an order made in October, 1665, injoyning the capt<sup>t</sup> of the Castle to stop all shipps coming from England, for the prevention of the spreading of infection, it is ordered; that that law shall & hereby is repealed.

Whereas there hath been comended to the people of this jurisdiction a voluntary contribution ffor the raysing of prouissions for the releife of his maj<sup>ties</sup> ffeete, now riding at the Caribdy Islands, in hostility ag<sup>t</sup> the comon ennemy of our king & nation; and wee are informed that sundry tounes haue liberally subscribed vnto the sajd proposall, on which encouragement the comittee impowred to giue a seasonable dispatch to that affayre, for the effecting thereof, doe stand considerably engaged to sundry merchants & gentlemen, that haue disburst their estates for the supply of the present imergency, the honest discharge whereof, according to contract made, doeth wholly depend vpon the contribution abouesajd; this Court doeth therefore comend it to all the seuerall tounes & people of this colony, that effectuell care be taken for the speedy bringing in what hath been subscribed; and where any neglect of the sajd motion hath hitherto binn in any place, that the same be speedily prosecuted to effect, so as that none may haue cause to complaine, that in a matter of so publicke concerne, one is burdened & another eased; and this Court doe order, that the gen<sup>l</sup> impowred in the seuerall countys to further this matter doe make their returnes to the Deputy Gou<sup>r</sup> and Cap<sup>t</sup> Davis, or to one of them, who are to present an account of what shall be donne herein to the next Generall Court.

The serious considerations of the many occasions dayly grouing among us respecting maritime affaires & admiraltje cases, in which respect there is great want of particular directions & lawes to be established w<sup>th</sup>in this jurisdiction, for the better guidance of the Courts in their administrations, & all other persons in their transactions; —

Also, whereas information is given to this Court, that diuers vnskilfull persons, pretending to be shipwrights, doe build shipps & other vessells in seuerall parts of the country, which are very defective, both for matter & forme, to the great prejudice of merchants & ounors, & the danger of many mens liues at sea; the consideration whereof hath mooved this Court to nominate & appoint Francis Willoughby, Esq<sup>p</sup>, Jn<sup>o</sup> Leueret, Esq<sup>p</sup>, Cap<sup>t</sup> Georg Corwin, M<sup>r</sup> Humphry Davy, & Cap<sup>t</sup> Edward Johnson to be a comittee to consider, drawe vp, & present to this Court, at their next sessions, such directions, \*orders & lawes as may be necessary & expedjent in the premisses, the Dep<sup>ty</sup> Go<sup>v</sup> to appoint time & place of meeting, the expenses thereabouts to

1667.

9 October.

Order for stop-  
ping of shipps  
at y<sup>e</sup> Castle re-  
pealed.

Order to quick-  
en y<sup>e</sup> contribu-  
tions for releife  
of his maj<sup>ties</sup>  
navy at Nevis.

Comittee to  
present sea  
lawes & pre-  
vent injury by  
vnskilfull ship  
wrights.

[\*591.]

1667.

9 October.

Order encour-  
aging to build  
a dry docke.

be paid out of the publicke treasury, & the said committee may take in the advice of any persons, merchants or mariners skilfull in those affayres, as to them shall seeme most expedient.

Whereas, through the want of a convenient dry docke for taking in of shippes & vessells for repaying vnder water, seuerall shippes & vessells haue miscarried, & more suffered great damage, this Court, being willing to take all care for the furtherance of nauigation, doe hereby order & declare, that any person that will engage, betweene this & the next Court of Election, to make a dry docke in any convenient place in Boston or Charls Towne, fitt to take in a ship of three hundred tunns, so as it be finished w<sup>th</sup>in one twelve month after that time, shall haue liberty so to doe, w<sup>th</sup> assurance that none shall build any *any* such docke for fueteene yeares, but such person so impowred by this Court, w<sup>th</sup> such other priuiledges as this Court shall finde reasonable for his or their encouragement.

Committee to  
take Tres<sup>r</sup> ac-  
count.

It is ordered, that Captaine Hopestill Foster, M<sup>r</sup> Humphry Dauie, & M<sup>r</sup> Anthony Stoddard shall & hereby are appointed & entreated to take the Treasurers account, & to make returne thereof to the next Court of Election.

Addition to y<sup>e</sup>  
country rate;  
price of corne  
& other things.

This Court, finding a necessity of some addition to be made to the country rate for this present yeare, for the payments of debts due, & in order to jmergencies, doe order that there be one halfe of a single rate added to the present country rate for this yeare; and that all sorts of corne shall be paid in the country rate for this yeare ensuing, at these prices following, viz.: wheate, at fve shillings p bushell; rye, barley, & barley mault, at fower shillings p bushell; pease at three shillings & sixe pence p bushell; & Indian at two shillings & eight pence p bushell, all good & merchantable; & all other things paid in the country rate to be vallued at money price; provided, no town or person shall haue liberty to make payment of their rates in leane cattle.

Day of thanks-  
giving, 5<sup>th</sup> No-  
vemb.

Forasmuch as it hath pleased the Lord graciously to continue our peace & libertjes, & kept of the common enemy of our nation from inffesting our coasts & habitations, & hath also blessed the fruites of the earth this last summer in a plentifull encrease thereof, together w<sup>th</sup> many other mercjes, the sence whereof doeth moue this Court to appoint the fifth day of November next to be kept as a day of solemne & humble thanksgiving vnto Almighty God, & doe commend it vnto the respective churches, elders, ministers, & people w<sup>th</sup>in this jurisdiction, to keepe the same accordingly.

Day of humil-  
ijation 1st  
Wedensday in  
December  
next.

Whereas the churches & people of God, in all parts, at this day are in trouble & perplexitie, & in particular our deare native country; also consider-

ing the state & condition of our countrymen in the Caribby Islands, & other parts of Amerrica, in respect of the warrs, troubles, & devastations among them, by terrible tempests of late; & considering sundry tokens of Gods displeasure among ourselues yet continued in seuerall parts of the country, & taking away sundry of our vessells abroad by the comon enemy, & other wayes, and considering the sinns & transgressions much abounding among vs, — the serious consideration of these things hath mooued this Court to appoint the first Wedensday of December next to be kept solemnly as a day of humiliation & prayer vnto the Lord for his favour & grace in all these things, & doe comend it to all the churches, elders, ministers, & people in this jurisdiction, solemnly & seriously to keepe the same accordingly.

1667.

9 October.

Boston in New England, October 4<sup>th</sup>, 1667.

Courts agree<sup>mt</sup>  
w<sup>th</sup> y<sup>e</sup> mint  
masters, M<sup>r</sup>  
Jn<sup>o</sup> Hull, &c.

In observance of an order of the Generall Court, held the 15<sup>th</sup> of May, 1667, nominating & impowring vs, whose names are subscribed, to treat & agree w<sup>th</sup> the masters of the mint, — wee hauing duely weighed the countrys interest in the ædifices apperteyning to the sajd office, and agitated the matter w<sup>th</sup> M<sup>r</sup> Jn<sup>o</sup> Hull & M<sup>r</sup> Robert Saunderson, the present mint masters, haue agreed w<sup>th</sup> them as followeth, namely: in consideration of the countrys disbursments on the sajd ædifices, & for the interest the Generall Court hath therein, to pay vnto the publick treasury, w<sup>th</sup>in sixe months next coming, forty pounds in money, & for seven yeares next coming (the sajd Hull & Saunderson, or either of them, personally abiding in the sajd imploy) to allow the publick treasury annually in money tenn pounds, the said terme to beginne from the date aboue named. In witnes hereof the sajd Hull and \*Saunderson haue herevnto put their hands the day & yeare aboue written.

[\*592.]

JOHN HULL,  
ROBERT SANDERSON.

JNO: LEUERET,  
THO: DANFORTH,  
ANTHONY STODDARD,  
WM: PARKE.

The Court thankfully acknowledgeth the good service of the gent<sup>a</sup> subscribers in the premisses, and order it to be recorded.

In answer to the petiçon of the listed souldjers for y<sup>e</sup> Castle, it is ordered that the captaine of the Castle shall only call forth his listed souldjers for that service but three dayes in the yeare; & for the better encouragement of

Listed souldjers at y<sup>e</sup> Castle to trajne but thric a yeer.

1667. such souldjers as by authority shall be from time to time sent doune to the Castle on any exigent, during their aboade there shall be allowed twelue shillings a peece a weeke, & so proportionable to their time expended; and that vpon cirtifficat from the cap<sup>t</sup> of the Castle to any constable concerned, each souldjer may be sattisfied out of the country rate of their oune tounes, & brought in vpon account to the Tresurer, any fformer order notw<sup>th</sup>standing.

9 October.

On any exigent  
their sallery  
12<sup>s</sup> p<sup>r</sup> weeke,  
payable by y<sup>e</sup>  
constable in  
their tounes.

500 acres lajd  
out to Cap<sup>t</sup>  
Lake & Mr  
Gardiner as  
p<sup>t</sup> of 4125 lajd  
out May, 64,  
returne 8 mo,  
67.

Lajd out to Cap<sup>t</sup> Thomas Lake & Mr Nathaniel Gardiner in part of that fower thousand ffue hundred acres of land granted to them by this Court in the yeare 1656, — I say, lajd out to them fve hundred acres of land, more or lesse, in the wildernesse on the north side of Merremack Riuer, in the Chesnut country, nere vnto Major Generall Leuerits ffarme, & adjoyning to the ffarme lajd out there for Boston ffree schoole, bounded by N. W. corner tree of that ffarme, which is a black oake standing vpon a little hill betweene two meadows, markt w<sup>th</sup> H & B; from thenc it runnes almost west & by south, three hundred pole, vnto a great duble white oake standing by it; from thence it runns neere a south & by west ljne, three hundred & twenty pole, vnto a pine marked w<sup>th</sup> B, & standing on the top of a hill; from thence it runns neere almost east & north, two hundred & eighty pole, vnto a white oake vpon the side of a bare hill, marked w<sup>th</sup> B; from thence it runns south & by west three hundred & nine pole, which is the closing ljne, to the first black oake; all which is sufficjently bounded & marked in the figure of a rombojce, as is demonstrated by a plott taken of the same.

By JONATHAN DANFORTH, Surveyor.

The Court allowes & approoues of this returne.

Ans<sup>r</sup> to Joseph  
Jenks peti.

In ans<sup>r</sup> to the petition of Joseph Jencks, Señ, of Linn, humbly desiring the ffavo<sup>r</sup> of this Court to advance a sume for y<sup>e</sup> encouragement of wyer drawing, &c, the Court judget it not meete to advanc any money on that designe.

Ans<sup>r</sup> to Mr  
Cobbetts peti-  
cion, mem. 8,  
67.

In ans<sup>r</sup> to the petition of Mr Thomas Cobbet, humbly desiring the favo<sup>r</sup> of this Court to afford him some releife as to his due from Mr Va<sup>t</sup> Hills estate, the Court see not what help they cann afford the petitioner, but referr him to a course of lawe.

Ans<sup>r</sup> to Alex.  
Becks peti-  
cion for Jn<sup>o</sup> Clark.

In answer to the petition of Alexander Becke, the Court judgeth it meete that the comitte appointed by this Court to take the account of those gent<sup>n</sup> that tooke the benevolence of the country for the people that came from Christophers, that out of the same the petitioner be sattisfied three shillings p weeke, for so many weekes as he is yet vnpaid, for Jn<sup>o</sup> Clarks diet, & y<sup>t</sup> the

petiçoner take notice that the country will not be at further charge in that matter ; & in case, on the ballance of those accounts, there be not enough to satisfy the petitioner, then the Tresurer is ordered to pay it out of the country treasury.

1667.

9 October.

In the case brought to this Court by petiçon from Rich Way, plaintiff, &c, against Jn<sup>o</sup> Bicknell, Ephraim Hunt, & W<sup>m</sup> Gard, &c, defendt, the Court, on the hearing of the whole case & evidences, w<sup>th</sup> the Court of Asistants judgm<sup>t</sup>s, finde for the petitioner the reuersion of all former judgments of Courts, & the repayment of the sume exprest in the judgment of the County Court, i. e., two hundred thirty five pounds, one third part money, one third part English goods, & the other third in prouissions, & costs of Courts, seven pounds sixteen shillings & fower pence.

Courts judgm<sup>t</sup>  
in Rich. Way  
ag<sup>t</sup> Jn<sup>o</sup> Bick-  
nell, &c.

In the case now before the Court relating to Mr Thomas Broughton, coming to this Court by petition, ag<sup>t</sup> Jn<sup>o</sup> Cheeckly, defendt, the Court, hauing heard & duely considered of what hath binn alleadged & pleaded in the case by both partjes, see not any reason to alter the judgm<sup>t</sup>s of any of the former Courts, & grant the defendt costs of Courts.

Courts judgm<sup>t</sup>  
in M<sup>r</sup> Brough-  
tons case ag<sup>t</sup>  
Jn<sup>o</sup> Cheekley.

In the case now depending betweene Willjam Greenough, pl<sup>t</sup>, against Thō Kellond, def<sup>t</sup>, coming to the cognizance of this Court by reason of disagreement betweene bench & jury at the last Court of Asistants, the Court, on a full hearing of the case & the evidences therein, doe find for the sajd Kellond, viz<sup>t</sup>, the confirmation of the judgment of the County Court, held at Boston, 30<sup>th</sup> July, 1667, only the terme of sixe months therein exprest & allowed for the sajd Greenough to bring in his accounts is to beginn from the date hereof, & the sajd accounts to be given in either to the next Court of Asistants or to any County Court at Boston, & costs of Courts.

\*In the case of W<sup>m</sup> Greenough, plaintiffe, ag<sup>t</sup> Thomas Kellond & Edmond Dounes, defendt, coming to this Court by the magis<sup>ts</sup> in the Court of Asistants last refusing the virdict of the jury, the Court, on a full hearing & perysall of the evidences in the case produced, find for the sajd W<sup>m</sup> Greenough, plaintiffe, reuersing the former judgm<sup>t</sup> ag<sup>t</sup> sd Greenough, & grant him costs of Courts.

[\*593.]

Courts judg-  
m<sup>t</sup> in Greenows  
case ag<sup>t</sup> Kel-  
lond.

In the case now depending betweene John Godfrey, pl<sup>t</sup>, ag<sup>t</sup> Jn<sup>o</sup> Rimington & Abigaile, his wife, defendts, coming to this Court by disagreement of the bench, at the last Court of Asistants, from y<sup>e</sup> virdict of the jury, the Court, on a full hearing of the case, doe finde for the defendt confirmation of the judgment of the last County Court at Salisbury.

Courts judgm<sup>t</sup>  
in Godfrys case  
ag<sup>t</sup> Rimington

In the case now depending betweene James Euerell, plaintiffe, by petiçon to this Court, & M<sup>r</sup> Symon Bradstreet, defendant, this Court, hauing heard &

Courts judgm<sup>t</sup>  
on James Eu-  
rells case ag<sup>t</sup>  
Symon Brad-  
street, Esq<sup>r</sup>.

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spent much tyme in examination of the accounts & debate of the case, doe find for the plaintiffe the sūme of thirty five pounds five shillings & six pence in money, & costs of this Court, twelve pounds twelve shillings & eight pence.

Courts judgm<sup>t</sup>  
or ans<sup>r</sup> in Cap<sup>t</sup>  
Hutchinsons  
peti<sup>ō</sup>n.

In answer to the petition of Cap<sup>t</sup> Edward Hutchinson, & on consideration of his pleas & allegations on the lawe, title Suretjes, it is hereby ordered & declared, that the sajd Hutchinson shall & hereby is released from his imprisonment, & that his bond of five hundred pounds for Peleg Sandfords abiding the order of the Court of Asistants doeth & shall stand in force ag<sup>t</sup> the sajd Hutchinson till the Courts judg<sup>m</sup>t be satisfied, or the principall surrendered into the custody of the prison keeper.

Payments ten-  
dered to y<sup>e</sup>  
country rate,  
where to be  
prized.

For the preventing of differences arising betweene the Tresurer of the country & the constables of the tounes, in collecting & receiving the country rate, & of great damage thereby happening to the country, it is ordered by this Court, that where any pay is tendered, the prize whereof is not determined by this Court, the place of apprisement shall be where the payment is tendered to the Tresurer, or his order, by men indifferently chosen, as the lawe directs.

Co<sup>m</sup>ittee to  
consider of 4  
quær., 6 quest.  
rectifying as-  
sessments,  
emendation of  
lawes, title  
Suertjes, &c.  
Direction for  
marshalls &  
constables.

Itt is ordered, that M<sup>r</sup> Samuells Symonds, M<sup>r</sup> Thomas Danforth, Major Eliaz<sup>r</sup> Lusher, Cap<sup>t</sup> Edw<sup>d</sup> Johnson, M<sup>r</sup> Humphry Davye, & Cap<sup>t</sup> Hopestill Foster shall & hereby are appointed a co<sup>m</sup>ittee to consider of seuerall quærjes & 6 questions now in Courte on *on* file, w<sup>th</sup> a law presented for rectifying of assessments, as also for revising & explaining of some lawes ag<sup>t</sup> the next Court of Election, & reuise & consider the lawe about suertjes, & to drawe vp such explanations & emendations thereof as is necessary, & also to bring in some order for the regulating brick makers to make their bricks of a suiteable size ; & further, to bring in an effectuall order for keeping in good repayre all streets & highwayes, for the safety & comfort of trauellers & passengers, & to consider of some suiteable lawes for the more particullar direction of the marshalls & constables in the execution of their respectiue offices.

Ans<sup>r</sup> to Nath.  
Elys petition.

In ans<sup>r</sup> to the petition of Nath Ely, of Springfeild, for y<sup>e</sup> remittment of the fine of sixteen pounds for selling cider, &c, the Court, on the peti<sup>ō</sup>ners ingenuous confession, &c, judge meete to abate the sajd fine to twenty shillings.

Ans<sup>r</sup> to Nath.  
Boulters peti-  
tion.

In answer to the petition of Nathaniel Boulter, humbly desiring the favo<sup>r</sup> of this Court to grant him a hearing of his case betweene him & Cap<sup>t</sup> James Pendleton, &c, in regard the persons liue so remote that seasonable notice cannot be given to the parties to come to this Court before it be too late, it is ordered, there be a hearing of this case on the 3<sup>d</sup> day of the first weeke

after the next election day, the petitioner giving Cap<sup>t</sup> Pendleton seasonable notice ag<sup>t</sup> that time, & bringing the whole case to this Court.

1667.

In answer to the information & request of Job Tyler, the Court judgeth it meete to grant him liberty to try any action or actions he hath ag<sup>t</sup> Thomas Chandler in any of our County Courts, in forma pauperis, till he hath brought them to their legall issue.

9 October.

Ans<sup>r</sup> to Job  
Tylers peti-  
con.

In ans<sup>r</sup> to the petition of Edward Gove, humbly desiring the favour of this Court to grant him a hearing of the case betweene him & Grace Fitt, tried at y<sup>e</sup> last Court of Asistants, the Court sees no cause to grant the petitioners request, but declare that the petitioner hath liberty to haue the case trjed in any County Court as the law directs.

Ans<sup>r</sup> to Edw  
Goves petition.

For the necessary, full, & suiteable repaire of the Toune or Court House in Boston, founded by the late Cap<sup>t</sup> Robert Keayne, it is ordered by this Court, that the selectmen of Boston shall & hereby are desired & impowred as a comittee to see to & order the same w<sup>th</sup> all convenient speede, the chardge whereof is to be borne & defraied the one clere halfe by the Tresurer of the country, one fowerth part thereof by the Tresurer of y<sup>e</sup> county of Suf-folke, & the other fourth part by the Tresurer of the toune of Boston.

Comittee to re-  
paire y<sup>e</sup> Towne  
or Court House.

\*In ans<sup>r</sup> to the petition of the ffarmers of Salem, & for reconcilliation of the lawes respecting watches of all sorts, it is hereby declared, that the comittees actings w<sup>th</sup> the sajd ffarmers in requiring their service in the military watches to be consonant to lawe, justice, & æquity, and that henceforth all farmers dwelling aboute foure miles from the meeting house shall be exempt from constables watches, any lawe or custome to the contrary notw<sup>th</sup>standing.

[\*591.]

Ans<sup>r</sup> to ffarm-  
ers of Salem  
petiçon.

Vpon information of sundry ffarmes erected aboute the toune of Chelmsford, about Merremack Riuer, whose inhabitants pretend their sajd farmes to be out of the county of Midlesex, & possibly be not conteyned in any county, it is therefore ordered by this Court & the authority thereof, that all & euery the inhabitants of such farmes as there are or shall be improoued shall, in all points, haue their dependances vpon, & performe services, & beare chardges w<sup>th</sup> the sajd toune of Chelmsford, & that the sajd ffarmers repaire to the Courts of Midlesex for justice, & all, till this Court take further order, any lawe or custome to the contrary notw<sup>th</sup>standing.

Farnes ab<sup>t</sup>  
Merremack to  
belong to  
Chelmsford &  
Midlesex  
Courts.

The seuerall bills of M<sup>r</sup> Henry Taylor, Thō Bligh, constable, & W<sup>m</sup> Whitwell, in relation to the seuerall summes in the bills expressed as ex-pended on the seuerall persons that haue binn diseased, shall & hereby is referred to the consideration & determination of the Tresurer & M<sup>r</sup> Thomas Danforth.

Comittee to  
auditt M<sup>r</sup> Tay-  
lor & consta-  
bles bills about  
diseased per-  
sons.

This Court, being desirous to encourage all persons among us in manuall

1667.

9 October.  
Order encour-  
aging wyer  
drawing.

arts & trades of publicque vtilitje, & being informed that there are in this toun a sett of tooles for wyer drawing, & that there be some in the place that are able & skilfull in that imploy, the improouement whereof would be of great vse in sundry respects, this Court doeth therefore order the Tresurer of the country to disburse out of the publicque treasury such a sūme of money as will be necessary for the purchase of the said instruments & tooles, not exceeding fūeteene pounds; and the Tresurer, w<sup>th</sup> Majo<sup>r</sup> Generall Leueret, are appointed & impowred to dispose of the said instruments so as may best further the ends proposed, as also to disburse forty shillings for the encouragement of those that shall make cards & pinns of the said wiare.

In answer to a motion made by the deputjes of Billirica & Chelmsford in refferenc to the bridge ouer Billirica Riuer, it is ordered by this Court, thatt, according to the agreement of the comittee of the Generall Court & comittee of that countje respecting bridges, bearing date Aprill 17, 1660, the said bridge shall be repayred & vpholden by the tounes of Billirica, Chelmsford, & Groaten, & all such ffarmes as are there granted, when they shall be improoued in proportion to their country rates, & shall be freed from the majntenanc of all other bridges, excepting only in their oune tounes.

- Billirica 500  
acres lajd out  
& confirmd.

Lajd out to Billirica fūe hundred acres of land in the wilderness on the north side of Merremack Riuer, & on the east side of Beavar Brooke, a litle below Patuckett. It is bounded on the south & on the south east wholly by lands formerly granted to Richard Russell, Esq<sup>r</sup>, & on the west by the aforesajd Beavar Brooke, elsewhere by the wilderness. The ljne on the east side of it is one hundred ninety sixe pole in length, runing halfe a point westward of the north, w<sup>ch</sup> is exactly the continuanc of the long ljne on the east side M<sup>r</sup> Russells farme; also, both the ljnes on the north side of it are exactly parralell to the ljnes on the south side of it, the most northerly of which is one hundred & sixty pole long, & runns halfe a point westward of the most south west; the other ljnes runns two degrees westward of the southwest & by south, fower hundred eighty & seven pole, w<sup>ch</sup> closeth to the brooke; all which are sufficiently bounded by markt trees & pillars of stone. The forme thereof is more fully declared, on the other side, by a plat taken of the same.

By JONATHAN DANFORTH, Surveyo<sup>r</sup>.

The Court allowes & approoues of this returne aboue mentioned.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Peter Olliuer & M<sup>r</sup> Joseph Rocke, executo<sup>rs</sup>

to the last will & testament of the late Thomas Robinson, humbly craving the favour of this Court, being the debts due from that estate exceeds the moueables, that they may be impowred to sell the old house of the sajd Thomas Robinson, w<sup>th</sup> the smale parcell of land fenced in to it, the Court, hauing perused their petition, the will, & inventory, and finding the debts to exceed the mooueables, & no otherwayes appearing to satisfy the debts but by saje of the house & land mentioned in the petition, doe hereby empower Mr Olliuier & Mr Roche to mak sale of the house & land aboue mentioned, & they are enabled to make assuranc thereof, according to lawe, to such as shall buy it.

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9 October.

Ans<sup>r</sup> to Mr Olliuier & Mr Rocks petition.Impowred to sell y<sup>e</sup> late Mr Robinsons old house, &c.

Whereas John Marshall hath formerly binn allowed forty shillings a yeare for his seruice during the sitting of the Generall Court, Court of Asistants, & council, in the cleansing the house, making fires, he complayning y<sup>t</sup> it answers not his time he spends, it is ordered, that he be allowed three pounds a yeare for time to come.

Jn<sup>o</sup> Marshall 3<sup>d</sup> y<sup>r</sup> ann. for cleansing Court House.

Mr Jonathan Danforth is apointed, in steed of y<sup>e</sup> late John Parke, to joyne w<sup>th</sup> the comitteee appointed by the last Gen<sup>l</sup> Court in M<sup>rs</sup> Bulkleys petition, who are to make their returne to y<sup>e</sup> next Gen<sup>l</sup> Court of Election.

Mr Danforth a comitteee man abt M<sup>rs</sup> Bulkly.

\*In ans<sup>r</sup> to the petition of W<sup>m</sup> Salter, & as an explanation of the judg<sup>nt</sup> of this Court the last session, in refference to the sume or sumes of money, or other pay, therein exprest, this Court declares the intent of the sajd order is, that Willjam Salter should haue repayd him from Mr Jn<sup>o</sup> Woodmansey the sume of eight pounds in money, & nine pounds sixteen shillings in the same specie, or as good, as he pajd to the aboue mentioned Woodmansey, & three pounds twelue shilling sixe pence costs of Court.

[\*595.]

Ans<sup>r</sup> to W<sup>m</sup> Salters petition.

In ans<sup>r</sup> to the petition of Phillip Steevens, wife of W<sup>m</sup> Steevens, of Glocester, the Court, vpon information of the greatnes of the fact referring to the person against whom it was comitted, judge that the pœnalty inflicted was rather beneath then aboue the meritt of the offence, & therefore cannot but justify the Court that had the cognizance of the cause; yet considering what personall punishment the sajd petiçoners husband hath already vndergonne, & also that the payment of such a fine will rather ffall vpon hirselve & family, who are in this respect innocent, together w<sup>th</sup> the seueritje of those that executed the sentence, to w<sup>ch</sup> may be added the crasiness of the man in respect of his vnderstanding, doe therefore order, that the sajd catle so taken be returned to the petitioner in kinde, to be to hir proper vse & behoofe for the maintenance of hirselve & family in hir old age, such necessary chardges being deducted as haue been expended in the prosecution thereof.

Ans<sup>r</sup> to Phillip Stevens hir petition.

The Court, hauing read the returne of the honnored comissioners of the

1667. Vnited Collonjes, refferr the consideration thereof to Cap<sup>t</sup> Gookin, Majo<sup>r</sup> Hathorne, M<sup>r</sup> Anthony Stoddard, & M<sup>r</sup> Henry Bartholmew, a co<sup>m</sup>ittee appointed by this Court, who, on pervsall of the sajd returne, may drawe vp what they shall judge meete therevpon, & present the same to the next Court of Election.

9 October.  
Co<sup>m</sup>ittee abt y<sup>e</sup>  
co<sup>m</sup>ission's re-  
turne for y<sup>e</sup>  
colonjes.

Conecticotts  
letter rec. 21  
October, 67.

This Court, in ans<sup>r</sup> to a letter ffrom the Generall Assembly of Conecticott, signed by Jn<sup>o</sup> Alljn, secretary, & dated from Hartford, 16 of October, 1667, returnd y<sup>s</sup> ans<sup>r</sup>: —

31 October. Gent<sup>n</sup>, and our loving Freinds: —

Courts ans<sup>r</sup> to  
Conecticott  
letter.

Wee received yours of the 16<sup>th</sup> instant, by M<sup>r</sup> Whiting, signifying thereby your desire of a synod, for the clearing vp the trueth of God in some particulars vnder debate among yourselues, and wee finde, by the returne of the co<sup>m</sup>ission's for the colonjes, that your motion herein is consonant to the proposall made by them at their last meeting in your colony. Wee also finde in the aboue sajd returne seuerall considerations propounded, whereof in yours no notice is taken, some whereof are more especially left w<sup>th</sup> yo<sup>r</sup>selues; & on your answer thereto, the establishment of the artickles for our mutuall confederation doeth seeme greatly to depend, & others more generally referring to all the colonjes, for their accepta<sup>o</sup>n as to them shall seem meete, whose resolve will be obstructed vntill y<sup>o</sup>r concession to those proposalls that refferr to yourselues be declared, & sent to them respectively. In the meane time, that wee may be no obstruction to your pious motion for a mutuall accord in searching out the minde of God in any matters of publick concernm<sup>t</sup> to the churches of Christ, wee shall & hereby doe declare ourselues to be alwayes ready to yeild such help as the Lord shall affoord vs; but the questions among yow not being sent vnto vs, wee cannot sattisfy our vnderstandings to the accomodating of your desires vntill yow shall give vs the oppertunity to consider of them by your sending them to vs, which being donne wee shall endeavo<sup>r</sup> to doe what wee shall vnderstand to be the minde of the Lord for yo<sup>r</sup> help & asistance, in the majntenance of peace & trueth; w<sup>ch</sup> blessing of the gospell of our Lord Jesus Christ, that it may be continued to yow & us, & all the churches of Christ, & to the rising generation, is the vnfeigned prayer of, gen<sup>tn</sup>, yo<sup>r</sup> l<sup>o</sup> brethren & freinds,

EDW: RAUSON, Secre<sup>t</sup>, by order  
of y<sup>e</sup> Ge<sup>n</sup> Court for y<sup>e</sup> colony of y<sup>e</sup> Masachusets.

Boston, 31: 8, 1667.

In ans<sup>r</sup> to the petition of seuerall the inhabitants of Wooborne, the

Court, having considered thereof, judge meet to declare, that that which the honored Dep<sup>ty</sup> Governo<sup>r</sup>, M<sup>r</sup> Danforth, & Major Generall John Leueret did act referring to the settling of their interests in the comons of the toune, shall & hereby is confirmed ; and finding great disorder in the toune, especially touching their toune book & keeping of their reccords, judge it very needfull that a committee by this Court be fully impowred for the regulation thereof, & settling all differences amongst them depending therevpon ; —

And doe therefore hereby impower Cap<sup>t</sup> Daniel Gookin, M<sup>r</sup> Thomas Danforth, & M<sup>r</sup> Edward Collins to finish what is yet necessary to be donne in the premisses, in order to their settlement ; Cap<sup>t</sup> Gookin appointing the time of meeting.

\*In answer to the request of Francis & John Wyman, the Court, not having any prooffe that the twenty acres of land by them mentioned is taken from them by Billirrica, see not reason to ingage Wooborne to make it good.

1667.

31 October.  
Courts ans<sup>r</sup> to  
y<sup>e</sup> inhabitants  
of Wooborns  
peti<sup>on</sup>.

[\*596.]

Courts ans<sup>r</sup> to  
Fra. & Jn<sup>s</sup> Wy  
mans request.

Wee, whose names are subscribed, having heard & considered the seuerall pleas & alligations respectiuey presented by our brethren & neighbors of Wooborne, refering to the diuission & settling of their interest in the comons of the toune, doe finde that their votes passed, & are on reccord in their toune booke, doe not so clearely expresse the jntent of the voters as may legally determine the matter, and that a proceeding at present to a generall diuission of all their comons into propriety may haue a tendancy, not only to the dissatisfaction of those that haue the greater p<sup>te</sup> interest therein, but also sundry other wajes will be prejudicjall to the weale of that society, both ciuil & ecclesiasticall ; our aduise therefore is as ffolloweth : First, that such a convenient part of their comons be ordered, & by the act of the toune stated to remayne foreuer in comon to those that are legally interested therein, as will be sufficjent to accommodate the heards of the toune ; & that the particcular interest of each man therein be clearely determined, and recorded. Secondly, that the five hundred acres of land lajd out by Ensigne Sherman, w<sup>th</sup> the addition of five hundred acres of swampe to be added, be divided into propriety among those that haue a legall interest therein. Thirdly, that the wood & timber of that land stated for the comons of the toune be divided into propriety to the seuerall inhabitants, according to their respective interests therein. Fouerthly, that the remajnder of the toune comons being stated vpon those that haue at present a legall interest therein, that the same may still remajne in comon, vntill that haue the greater part of the interest therein shall consent to divide, or setle the same in some other way. Vlt, that the rule for the diuission of the lands abouesajd, & stating of interests of particcu-

Seuerall gent<sup>a</sup>  
act ab<sup>t</sup> Woo-  
born confirmd.

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lar persons in those lands to remajne in comon, be according to the order of the toune.

FR: WILLOUGHBY,  
THOMAS DANFORTH,  
JN<sup>o</sup> LEUERET.

January 28, 1666.

The Court confirme y<sup>s</sup> act of settlement in y<sup>eir</sup> ans<sup>r</sup> to Wooborns petition.

Whereas the farme of Francis & John Wyman, lying in Wooborne bounds, contejng fue hundred acres, (w<sup>ch</sup> by the Generall Court was granted to M<sup>r</sup> Coytmore,) was lajd out & returned to this Court the last May, it since appearing that there was a grosse mistake in the measure, through the defect of them which carrjed the chajne, & some trouble hath attended the same since that error was discoverd, —

These are to enforme this honored Court that, by a joint consent, both of Francis & John Wyman, the present proprieto's thereof, and the comittee of Wooborne, appointed & impowred by their toune to act in this matter, it is now lajd out againe according to the order of the comittee which were impowred by the hono<sup>r</sup>d Generall Court to act in the same, the buttings & bounds whereof are as followeth : —

The Wymans  
600 acres lajd  
out & con-  
firmd; y<sup>s</sup> for-  
m<sup>r</sup> returne  
made voyd.

It begins at a heape of stones lying in Billirrica lje, at the west angle of the Wymans oune land w<sup>ch</sup> they had of Wooborne, & runs in Billirrica lje two hundred forty eight pole vnto a stake standing neere the cart path by Stop Brooke; from thence it runns in a streight lje (at a litle distance from Stop Brooke) fifty eight pole & a halfe vnto a great pine; from thence it runns fower degrees eastward of the south east one hundred & ninety pole vnto a markt pine; from thence it runns east & by north one hundred & sixty pole vnto another bound pine; from thence it runns due north east & by east one hundred twenty fower pole vnto a stake standing in a litle maple swampe neere the bridge w<sup>ch</sup> is at the head of the pine plajne; from this stake it runns, two degrees westward of the north west, two hundred sixty fower pole vnto an ash standing in a swamp, w<sup>ch</sup> ash is the reputed corner of the Wymans oune land w<sup>ch</sup> they had of Wooborne, — wee meane the most southerly corner; lastly, from this ash it is bounded by their oune land to the first corner, which is one hundred forty & seven poles, all w<sup>ch</sup> is very sufficiently bounded. The forme or figure thereof is more fully demonstrated by a plot taken of the same by

JONATHAN DANFORTH, Surveyor.

Lajd out the 9<sup>th</sup> 8<sup>m</sup>, 1667.

The Court, on a hearing of the case, both the Wymans & Wooborne appearing, & the artist being also present, doe see reason to approue of the returne of the ffarme aboue mentioned as now it is lajd out ; & the returne of the ffarme made the last session of this Court & recorded is hereby made voyd.

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Whereas the council, in September last, vpon the complaint of Nipmuck Indians lving w<sup>th</sup>in our jurisdiction, of great injury & wrong donne vnto them by some Indians of Narraganset, who are ingaged to the Vnited Colonjes, as by the reccords may appeare, not to doe any wrong or enter into any hostillity w<sup>th</sup> our neighbor Indians w<sup>thout</sup> first acquainting the English w<sup>th</sup> the cause, vpon w<sup>ch</sup> complaint the council sent a letter to the Narraganset sachem, w<sup>ch</sup> is annext ; also, appointed the Nipmuck Indians to attend \*the 7<sup>th</sup> of this instant October, & that the Gouverno<sup>r</sup> & magistrates hereabouts should heare & endeavo<sup>r</sup> a reconcilljation between them ; but the Narraganset Indians not appearing vntill this Courts sitting, it is ordered, that the hono<sup>rd</sup> Deputy Go<sup>u</sup>no<sup>r</sup>, Cap<sup>t</sup> Gookin, Majo<sup>r</sup> Generall Leueret, Cap<sup>t</sup> Edward Johnson, M<sup>r</sup> Edward Collins, Cap<sup>t</sup> Foster, M<sup>r</sup> Henry Bartholmew, & Cap<sup>t</sup> Hubbard shall & hereby are appointed (the majo<sup>r</sup> p<sup>t</sup> of them, one whereof being a magistrate) a co<sup>m</sup>ittee to heare the Indians compl<sup>t</sup> & answers, & make their report of this Court what is most expedient to be donne in y<sup>e</sup> p<sup>m</sup>isses. The co<sup>m</sup>ittee as aboue appointed to heare the complaint of the Nipmucke Indians, of Quatiske, against the Narragansets, vnder Watowswokotaus, Squa Sachem, for robbing & spoyling them of their goods, to the value of aboue one hundred pounds, about the latter end of August last, report as followeth :—

[\*597.]

First. They finde, by the acknowledgment of the Narragansetts, namely, Powatocke & some others deputed & authorized to answer & issue this case, by a writing vnder the hand of the Squa Sachem before named, signed in the presence of Cap<sup>t</sup> Willjam Hudson & one John Hodshen, that about one hundred twenty sixe men were sent by hir to Quatisicke, in the Nipmuck country, in August last, & did then take from the Indians dwelling there sundry matts for houses, taken of the houses, fve gunns, whereof one was given them by a fearfull person, sixe deare skins, sixe swjne, about three pounds tenn shillings in wampom, at sixe a penny ; also, some coates, some red cotton, some poud<sup>r</sup> & shott, ketles, trajes, & dried huckle berryes, & such like things, most of w<sup>ch</sup> things they had not in the fort, but hidden by a swampe side not farr from the fort ; also, they say they spent some of the corne that then was standing in the feild, w<sup>ch</sup> they eate of while they aboade there, w<sup>ch</sup> was about twenty fower howers. And the reason of this their proceeding w<sup>th</sup> the Nipmucks they alleage to be donne according to their customes, because

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the Nipmucks neglected & refused to pay tribute due vnto them, & had named their deceased sachem, w<sup>ch</sup> is a great crime w<sup>th</sup> them, & had sent scurrilous messages to their sachem, & robbed some of their people.

Secondly. They finde the Nipmuck Indians answer to be an vtter dis-  
 ouning any just tribute due to the Narraganset sachems, and affirme they are  
 a free people, and haue from time to time chosen their sachems by the suffrage  
 of twelue principall men deputed therevnto; and if at any time heretofore the  
 Nipmucke Indians, or their predecessors, haue given vnto the Narragansets  
 sachem any skins, chesnuts, or the like things, it was in a way of loue, and as  
 a present vnto them, & not by way of right or due; as for the other pretences  
 of the Narragansetts, the Nipmuck Indians vtterly deny that they had named  
 their deceased sachem to his reproach, or had sent any scurrilous messages to  
 the present sachem, or had robbed or spoyled any of the Narragansets of any  
 goods; and the Narragansets could not prooue their pretensions. But touching  
 the right of tribute due to them from the Nipmuck Indians for proof thereof,  
 they referr it to the testimony of the neighbour Indian sachems vninterested;  
 and they named Phillip, sachem of Mount Hope.

Thirdly. They finde the Narraganset deputjes professe great loue &  
 respects to the Massachusetts government, & a readines to be directed by them  
 in all these matters, & that they desire to keepe their engagement vnto the  
 English in the yeare 1645.

And lastly. They finde the Nipmuck Indians of Quatisicke doe offer them-  
 selues & their people, desirously willing to pray vnto God, & submitt to the  
 gospell of our Lord Jesus Christ, & for the future to liue vnder the goũment &  
 protection of the Massachusetts, vnto whom they yeild vp themselves & people.

On consideration of the premisses, the sajd cōmittee offer this ex-  
 pedient:—

First. That if the Narraganset sachem shall make due prooffe, by the  
 personall testimony of other auncient & knowing Indians vnconcerned, & in-  
 different persons, before the gouern<sup>t</sup> & two magistrates, or before this Court,  
 or their cōmittee, betweene this & the end of the next Court of Election at  
 Boston, that the Nipmuck Indians of Quatisicke are & haue been tributarjes  
 to them, & in duty stand bound to make some acknowledgment thereof, — vpon  
 such prooffe, this Court will order & declare what & how much tribute the  
 Nipmuck Indians of Quatisicke shall pay or give to the Narraganset from  
 time to time for the future.

Secondly. That the Nipmuck Indians & the Narragansets shall henceforth  
 liue in perpetuall peace & amity; & if any of either nation shall doe any  
 wrong or jujury to the other, the wronged shall make complaint to this Court,

who are to doe æquall right betweene them, & the wrongdoer to submitt thereunto.

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Thirdly. That the Narraganset (at the desire & request of this Court) shall restore vnto the Nipmuck Indians, w<sup>th</sup>in twenty dayes, all such goods & things as they tooke from them, to be deliuered vnto them or their deputjes, in the presence of such as Cap<sup>t</sup> Hudson shall desire, to & where Cap<sup>t</sup> W<sup>m</sup> Hudson shall appoint to be deliuered, excepting only such prouissions of corne or other things as were eaten & destroyed at their time of their being at Quatisicke. The Court past these three last, judging the 4<sup>th</sup> parragraph aboue mentioned to be more convenient to be considered of another tyme.

In ans<sup>r</sup> to the petition of Joseph Phippeny, humbly desiring this Courts favor to order his satisfaction for his charges expended on the countrys service relating to M<sup>r</sup> Robert Jourdan, it is ordered that the country Tresurer pay him twenty pounds for y<sup>t</sup> end, & his service therein.

Ans<sup>r</sup> to Phippenys petition, & 20<sup>th</sup> his recompence. ✱

\*In refference to the complaint of the deputjes of Hampshire concerning the wrong they susteyne by Indians, the Court sees no way for jnjurjes past but to referr them to a course of lawe; and for prevention thereof for future, doe judge meet that their Indians be forbid entertheyning or harboring of great numbers of strange Indians, vnlesse they will engage to make satisfaction for what injury they shall doe the English in the time of their abroad w<sup>th</sup> them, & that they be also acquainted how their resorting & living among the English tounes, especially in this time of their warrs w<sup>th</sup> the Mohauke, doeth occasion much damage to the English many wayes, & therefore that they be warned to observe our lawes, & also to shunn all offence and prejudice to the English, & be ready to give full & speedy satisfaction, if any doe happen; and for the better obteyning thereof, that some principall Indian be appointed & declared to be the sachem, or cheife, or head of them, to whom the English may haue recourse vpon all occasions of wrong donne them by the Indians, expecting from such cheife Indian or Indians, so appointed & allowed by this Court, the discouery & deliury into the hands of our justice any of their Indians as shall be any ways injurious to the English; & vpon neglect or refusall thereof, it being apparent that the Indians haue donne the wrong, that then such sachem or sachems be proceeded against in a course of lawe, as being guilty of such injurjes, & liable to answer for y<sup>e</sup> delinquency.

[\*598.]

Ans<sup>r</sup> to Hampshire compl<sup>t</sup> ag<sup>t</sup> Indians.

Lef<sup>t</sup> W<sup>m</sup> Clarke, Leiu<sup>t</sup> Dauid Wilton, & Leiu<sup>t</sup> Sa<sup>m</sup> Smith, or any two of them, are appointed & impowred to<sup>t</sup> treat w<sup>th</sup> their Indians about the setling of a cheife or head ouer them, & by aduising w<sup>th</sup> them thereabouts to learne whom they account or desire to be their cheife, that the English may haue their recourse to for satisfaction for injurjes from them, & finding them to

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agree vpon a meete man or men to be their cheife, then to acquaint the County Court of Hampshire therewith, that so notice may be taken thereof.

And in case of the Indians not agreeing, or of such dislike among them as that they cannot perswade them to accord, then to make returne thereof to the next Generall Court, that so that Court may appoint & declare some meete man or men to be their cheife or sachem.

To the cheife sachem of the Mohauks.

The Generall Court of the Massachusetts, vpon complaint made to them by some of their people of Hadley & North Hampton, that they haue suffered much damage this last summer by the Mohauks, haue thought meete to signify the same vnto you, & to let you know that about midsomer last some of our Englishmen sawe some of yo<sup>r</sup> people, whom they had speech with, going w<sup>th</sup> burdens from their fires & place of lodging, where seuerall hogs feete, new & bloody, were left behind, viz<sup>t</sup>, sixteene ffeete of swyne; also others of ours haue taken vp shooes made of green hogs skinns, which were left at the places where the Mohaukes made their stands, & from whence they were seene to goe; and about the same time wee had seuerall catle shott & wounded, & some killed, & the flesh cutt of from their bones & carryed away. Many Mohaukes being then about our townes, & seene by some English, wee haue cause to suspect that this also was donne by some of them, (not to speake of the damage your people formerly, some yeares past, did, in gathering, carrying away, & spoyling of our corne.) Their killing of our swyne, as afore-sajd, being very euident, wee haue reason to mooue for speedy & full satisfaction, w<sup>ch</sup> our people expect, & wee hope yow will cause to be made them accordingly. Wee haue further to lett yow know, that an Indian youth, who was servant to an Englishman at Northampton, was murdered about the end of August last, close by the toune, & part of his haire flajd of his head, on which day some Mohaukes were seene nigh the very place where he was killed; & wee haue heard, that not long after this tyme the Mohauks shewed a locke of haire at Albany, w<sup>ch</sup> was short haire as this youths was, so that wee haue probable grounds to thinke that some of your people are guilty of this murder, w<sup>ch</sup> yet wee are apt to thinke may not only be vnknowne to yow, but contrary to your order, & doe presume you will not allow any such thing; and therefore doe acquaint yow herewith, desiring yow would take some effectuall course for redresse of these insolencies, & prevention of like euills for future, least yo<sup>r</sup> people, if they goe on in such wayes, should occasion a breach of the peace betwixt yow & vs. Wee must also tell yow that these actings are expresly against the promise of those of yo<sup>r</sup> nation, w<sup>ch</sup>

wee once had in our hands, whom wee secured from any violence by our Indians, & sent them home w<sup>th</sup> manifestation of loue & freindship, & willingness for y<sup>e</sup> continuance thereof, \*who told vs that your people would not medle with any Indians that woare English cloakes, or that had their hajre cutt short. But this aforementioned action, as it gives vs cause to suspect yo<sup>r</sup> people, so also to let yow know that wee doe not judge it convenient for yow to suffer your people, in an hostile manner, to approach nigh vs or our Indians that are dwelling amongst our tounes, w<sup>ch</sup> wee desire yow so to take notice of & consider, as not to disturbe our peace by any vnlawfull attempts of your men, but to cause them to shunn & avoyde all just offence & prejudice to vs w<sup>ch</sup> may provoake our people against yow. Wee neuer yet did any wrong to yow or any of yours, neither will wee take any from yow, but shall right our people according to justice; yett are wee desirous to continue all amicable correspondence w<sup>th</sup> yow, if the fault be not in yo<sup>r</sup>selues, by offering insolencjes to our people which wee may not beare or suffer. Thus hoping of yo<sup>r</sup> readinesse to make satisfaction for what is past, & care for your future continuance of freindship, yo<sup>r</sup> loving freinds,

The Go<sup>d</sup> & Generall Court of the Massachusetts.

To Robin Hood, cheife sachem of the Indians at Kennebik.

The Generall Court of the Massachusetts, on complaint of some of their inhabitants of Hadley & North Hampton, that they haue suffered much damage, this last summer, (as is most probable by some of your men,) in shooting, wounding, & killing sundry of their swyne and catle, and in cutting the flesh from the bones, & carrying away the flesh of their catle so killed, for which they expect speedy satisfaction, and wee hope yow will cause it to be made to them accordingly, and that all vnlawfull violence be forborne for time to come, not only in respect of their catle, but their corne, in which also your men haue donne vs wrong formerly, as wee are credibly informed. And if any of our people shall be injurious to yow, yow may be assured of due justice to be donne yow therein. But if your men shall, notw<sup>th</sup>standing, proceed to rob or wrong our people, wee hereby signify to yow, that wee may not suffer or beare w<sup>th</sup> yow therein. So hoping of yo<sup>r</sup> readines to restore & recompence such damages as our people haue by yours susteyned, & that yow will liue peaceably w<sup>th</sup> us & all our people, wee rest y<sup>r</sup> lō ffreinds.

& y<sup>t</sup> y<sup>e</sup> letter be signed by y<sup>e</sup> secretary. •

EDW: RAUSON, Secret<sup>r</sup>, in y<sup>e</sup> name  
& by order of y<sup>e</sup> Ge<sup>n</sup> Court of y<sup>e</sup> Massachusetts.

1667.

31 October.

[\*599.]

1668.

29 April.

THE names of the deputjes returnd to serve at y<sup>e</sup> Court of Election, held in Boston, 29 Aprill, 1668, from the townes, are herevnder written, being slipt y<sup>e</sup> entring on the other side : —

Mr Edmund Batter, Mr John Porter, Salem.

Mr W<sup>m</sup> Stiltson, Cap<sup>t</sup> John Allen, Charls Toune.

Cap<sup>t</sup> Hopetil Foster, Mr W<sup>m</sup> Sumner, Dorchs<sup>r</sup>.

Cap<sup>t</sup> Thō Clarke, Mr Anthony Stoddard, Boston.

Mr W<sup>m</sup> Parks, Roxbury.

Mr Rich Beers, Mr Samuel Thatcher, Water Town.

Mr Edward Collins, Mr Edward Jackson, Cambridg.

Cap<sup>t</sup> Thō Marshall, Lef<sup>t</sup> Olliūr Purchis, Lynne.

Lef<sup>t</sup> Samuel Apleton, Mr George Gittings, Ipswich.

Mr Henry Seawall, Newbery.

Mr Thō Dyer, Weymouth.

Cap<sup>t</sup> Joshua Hubbard, Hingham.

Cap<sup>t</sup> Timothy Wheeler, Concord.

Lef<sup>t</sup> Joshua Fisher, Ensign Danī Fisher, Dedham.

Lef<sup>t</sup> Thō Cooper, Springfeild.

Cap<sup>t</sup> Rob<sup>t</sup> Pike, Salisbury.

Mr Rob<sup>t</sup> Page, Hampton.

Mr Rich Swan, Rouley.

Ensign Moses Pajne, Braintry.

Cap<sup>t</sup> Rich Walderne, Douer.

Mr Eljas Styleman, Portsmouth.

Cap<sup>t</sup> Edw Johnson, Wooborne.

Cap<sup>t</sup> Georg Barber, Meadfeild.

Cap<sup>t</sup> W<sup>m</sup> Dais, Hauerill.

Cap<sup>t</sup> John Wayte, Malden.

Lef<sup>t</sup> W<sup>m</sup> Clarke, Cap<sup>t</sup> Aron Cooke, Northampton.

Lef<sup>t</sup> Samuel Smith, Mr Peeter Tylton, Hadley.

Mr Humphry Davy.

Mr John Hull.

Cap<sup>t</sup> Rich Walderne was chosen Speaker for y<sup>e</sup> present session.

*\*Att a Generall Court of Election, held at Boston, in New England,* 1668.  
*29<sup>th</sup> Aprill, 1668.*

29 April.

[\*600.]

**R**ICHARD BELLINGHAM, Esq<sup>r</sup>, was chosen Governo<sup>r</sup>, & tooke his oath.

Francis Willoughby, Esq<sup>r</sup>, was chosen Dep<sup>t</sup> Go<sup>v</sup>, & on <sup>^</sup> tooke his oath.

Symon Broadstreet, Esq<sup>r</sup>,

Sam<sup>l</sup> Symonds, Esq<sup>r</sup>,

Daniel Gookin, Esq<sup>r</sup>,

Daniel Dennison, Esq<sup>r</sup>,

Symon Willard, Esq<sup>r</sup>,

Richard Russell, Esq<sup>r</sup>, & Tresurer,

Thomas Danforth, Esq<sup>r</sup>, & 1 Com<sup>is</sup>sioner for y<sup>e</sup> coll<sup>d</sup>,

W<sup>m</sup> Hawthorne, Esq<sup>r</sup>, Com<sup>is</sup>sio<sup>n</sup> in reserv,

Eliaz<sup>r</sup> Lusher, Esq<sup>r</sup>,

Jn<sup>o</sup> Leueret, Esq<sup>r</sup>, & Com<sup>is</sup>sioner for y<sup>e</sup> colonjes,

Jn<sup>o</sup> Pinchon, Esq<sup>r</sup>,

Edward Tyng, Esq<sup>r</sup>,

were chosen  
Asistants.

& Majo<sup>r</sup> Gen-  
erall.

Edward Rawson was chosen Secretary.

Memorandum. The names of y<sup>e</sup> deputs, being omitted, are on the other side.

Whereas sundry complaints haue been made of much inequalitie in the a<sup>n</sup>uall assessments to publicke charges, the seuerall townes and countjes not paying in a just proportion one to another, as is the true intent of the lawe, title Charges, it is therefore ordered by this Court & the authority thereof, that henceforth from time to tyme there shall be some meet, able, faithfull, & judicious men, chosen and authorized by this Court, viz<sup>t</sup>, two in the county of Essex, two in Suffolke, two in Middlesex, & two in Norfolke, who, meeting together w<sup>th</sup> the com<sup>is</sup>sioners of the seuerall townes, they, or the majo<sup>r</sup> part of them so mett together, shall haue the absolute & fynall determination of the just proportion of each toune & of each person & estate therein, so as that there may be a just & æquall proportion betweene county & county, toune & toune, merchants & husbandmen, w<sup>th</sup> all other handycrafts as much as in them lye. And whereas there are seuerall merchants & others, traders, that doe bring in considerable quantittes of goods among us, doe gaine great estates thereby, yet they passe away w<sup>th</sup>out paying their dues to the publicke, —

1668.

29 April.

It is therefore ordered by this Court & the authority thereof, that henceforth from time to time there shall be appointed & impowred by this Court two or more meet, able, & judicious persons in the seuerall sea port townes of this colony, viz<sup>t</sup>, in Salem, Charls Toune, Boston, & Portsmouth, who from time to tyme in their seuerall townes shall repaire to all warehouses, or other places where any forreigne goods or comoditjes are put on shoare in any of our harbo's, or are sold or retajled on board of any ship, shallop, or other vessell, & require of the merchant, ounor, or other reteylor thereof the sight of his invoyces or other just & true account of all goods by them imported as abouesajd; and in case any merchant, reteylor, or other trader as abouesajd shall refuse to shew their invoyces or other just accompt of their goods by them imported, & that on oath to be taken before a magistrate, if required, in all such cases, it shall be in the liberty of the two comissioners impowred in that towne, as aboue is expressed, & by this Court they are authorized and impowred, to asseesse such merchant or other trader or traders as to them shall seeme meet according to their oune will & doome; & accordingly shall give warrant to the constable of the towne to levy of them one penny p pound to be paid into the publick treasury, as the lawe requires. And it is also ordered by the authority aforesajd, that the meeting of the comissioners in the seuerall townes w<sup>th</sup> those appointed by this Court this present yeare at Boston the first third day of the weeke in the seventh moneth, the fowerth day at Cambridge, the sixth day at Salem, & the second day of the weeke next ffollowing at Salisbury, at eight of the clocke in the morning, to performe the service & trust hereby comitted to them; to which meetings the comissioners of the seuerall townes shall bring w<sup>th</sup> them a list, fairely written, of all persons & estates, euery mans estate distinctly, & not in the grosse sume only, & the seuerall parcells thereof, w<sup>th</sup> the value put vpon it, that so a full & exact examination may be made, & an æquall imposition put vpon the inhabitants of this colony, & the cause of those complaints, that one is eased whilst another is burdened, may hereafter be remooued.

[\*601.]

County com-  
missioners.  
Commissioners  
for seaports.

\*And for county commissioners, this Court doe nominate & appoint Cap<sup>t</sup> Hopestill Foster & Ensigne Daniel Fisher for Suffolke, Cap<sup>t</sup> Edward Johnson & Cap<sup>t</sup> John Wayt for Midlesex, Leiften<sup>nt</sup> Samuel Apleton & Leif<sup>t</sup> Olliuer Purchis for Essex, Cap<sup>t</sup> Thomas Bradbury & M<sup>r</sup> Samuell Dalton for Norfolke; and for sea port townes, M<sup>r</sup> Anthony Stoddard & Cap<sup>t</sup> W<sup>m</sup> Dausis for Boston, Cap<sup>t</sup> Jn<sup>o</sup> Allen & M<sup>r</sup> Jacob Green for Charls Toune, M<sup>r</sup> Edmund Batter & M<sup>r</sup> Henry Bartholmew for Salem, M<sup>r</sup> Elias Stileman & M<sup>r</sup> Nathaniell Fryer for Portsmouth.

Itt is ordered by this Court & the authority thereof, that henceforth euery

person that is or shall be allowed by the Treasurer of the country to trade peltry or skins w<sup>th</sup> the Indians, shall haue liberty to sell vnto any Indian or Indians, not in hostility w<sup>th</sup> us or any of the English in New England, powder, shott, lead, gunns, i. e., hand guns, rapier or sword blades, provided he or they pay vnto the country Tresurer euery halfe yeare, in money, sixpence a pound for euery pound of powder, sixpence for euery tenn pounds of shott or lead, three shillings for euery gun, three shillings for euery duzen of rapier or sword blades, & so proportionably for any quantity that he or they shall sell to any Indian or Indians; and euery such person allowed to trade as aforesajd shall, vpon oath, deliuer to the Treasurer a true & just accompt of the particulars of the aboue mentioned comōditjes by him or them sold vnto any Indian or Indians. And it is further ordered, that any person allowed as before that shall be convicted before any two magistrates or County Court of selling or bartering any of the aforementioned comōditjes vnto any Indjan, whereoff he or they haue not giuen a true & just accompt, & made due payment vnto the Tresurer, as is aboue expressed, euery such person or persons shall forfeite to the publick treasury fīue pounds sterling for euery pound of powder, fīue pounds for euery tenn pounds of shott or lead, tenn pounds for euery gun, great or small, and ten pounds for euery dozen of rapier or sword blades, & so proportionably for any quantity of the aforesajd comōditjes sold or bartered by him or them vnto any Indian or Indians; and all persons, except such as are allowed, are hereby prohibited from selling any of the forementioned comōditjes vnto any Indian or Indians, vpon the pœnalty expressed in the lawe, title Indians, sect 2; and this order to continue in force during the Courts pleasure, any lawe or order to the contrary notw<sup>th</sup>standing.

Whereas the Generall Court hath formerly, for good & weighty reasons, lajd an impost vpon wines & strong waters imported, it is thought expedient by this Court, for good causes & considerations, to sett a rate vpon all cidar, mum, ale, & beere sold in publick houses licensed to sell such things; that is to say, two shillings sixe penc p hogshead vpon all cidar, ale, and beere, & fīue shillings p hogshead vpon all wines, and so in proportion thereto to each of them in greater or lesser quantitjes; and this Court doeth further order, that these rates or sums abouesajd be pajd to the Treasurer of the country or to his assignes in money by euery person licensed to keepe an inne, ordinary, or house of publicke enterteinment w<sup>th</sup>in this jurisdiction whatsoever; and to that end, euery person so licensed & selling are ordered & required to keepe a just & true accompt of what he or they shall sell from time to time, & that at the end of euery moneth or weeke, being thereto required after the publication hereof, they shall present the sajd accompt to the Treasurer

1668.

29 April.  
Trade w<sup>th</sup> In-  
dians for peltry  
& amunition  
regulated.

Euery allowed  
trader paying  
to y<sup>e</sup> country  
Treasurer seu-  
erall sūmes ap-  
pointed, &c.

Impost on  
wine, strong  
licquors.

1668.

29 April.

abouesajd, vpon oath, if required, or to his assigne, and pay all the money due hereby; and in case any of the persons licensed as abouesajd shall refuse or neglect to doe what is aboue ordered, vpon conviction before any two magistrates, or Court of that county where the offence is committed, shall pay treble damage to the country, or forfeit his or their licence, at the discretion of that authority that shall take cognizance thereof.

Treasurer & his assistants to lett & set to farme the imposts, &c.

Itt is ordered and by this Court enacted, that the Treasurer of the country, w<sup>th</sup> the assistance of Cap<sup>t</sup> Daniel Gookin, Mr Anthony Stoddard, & Mr John Richards, be & is hereby impowred & authorised to rent, set, or to farme let, for the vse of, & in behalfe of, the country, for one or more yeares, not exceeding three yeares, all these particular following, viz. : —

1. Ye impost of wine, brandy, & rhum.
2. The benefit of beavar, furs, and peltry w<sup>th</sup> the Indians.
3. The rates of drawing of wines from vintners.
4. The rates vpon beere, cider, ale, mum, from publick sellers.
5. The benefit of selling amunition to Indians.

[\*602.]

Wines & strong liquors imported to be entred w<sup>th</sup> the officer, &c.

\*For the better explanation & effectuall execution of the lawe, title Impost, page 39, it is ordered & enacted by this Court and the authority thereof, that all wines & strong waters imported into this jurisdiction, according to that lawe, be entred w<sup>th</sup> the officer, in particulars both for quantity & quality, before any of it be landed, vpon the pœnalty of the forfeiture of all that is landed before it be entred. It is ordered, that the impost required by law be paid to the officer in money, or the best of the specie at money price.

It is further ordered, that the committee authorized by this Court to make improouement of this impost, or any three of them, are hereby authorized to appointe & constitute officers, make orders, & give such directions as shall be necessary for the effectual receiving the said impost, & the rate imposed by this Court vpon the retaylers of wine, beere, ale, mum, & cider, & the busines of giving liberty to trade for peltry, & selling powder, shott, lead, gunns, & other armes to the Indians.

Whereas by reason that the orders of this Court referring to the commissionating, appointing, & impowring any particcular person or persons for any speciall trust, negotiation, or other matter as from time to tyme doe arise, are not duely & seasonably transcribed, and deliuered to those concerned therein, the expectation of this Court is many times disappointed, & damage to the publick doeth inevitably acruce, —

Secretary to transcribe speciall orders, &c, w<sup>th</sup>in ten days.

It is therefore ordered by this Court, that the secretary, from time to tyme, w<sup>th</sup>in ten dayes after the end of euery sessions of the Generall Court, shall copy out all such speciall orders of this Court, as abouesajd, & deliuer the same

to the marshall generall, who shall receive the same at the secretarys house, and take order for the speedy & certeine conveyance thereof to those whom they are especially directed vnto; and for such orders as doe require a more speedy dispatch then the time aboue limitted, the officers abouenamed shall accordingly hasten the same.

1668.

29 April.

The marshall  
gen<sup>l</sup> to fetch  
y<sup>m</sup> & convey,  
&c.

Also, the marshall generall shall, from time to tjme, receive all warrants that are to be sent to the seuerall tounes from the country Treasurer, as also the lawes that are at any time to be published, either printed or written, & cause them to be deliuered according to the direction given him from the Treasurer or secretary.

Marsh. gen<sup>l</sup> to  
attend y<sup>e</sup>  
Treasur<sup>r</sup> & sec-  
ret. direction.

Whereas the breed of horses in the country is vtterly spoyled, whereby that usefull creature will become a burthen, which otheruise might be beneficiall, & the occasion thereof is conceived to be through the smaleness & badness of stone horses & colts that run in comons & woods, ffor prevention whereof this Court doeth order & enact, & be it ordered & enacted by the authority thereof, that no stone horse aboue two yeares old shall be suffered to goe in comons & woods at liberty, vnless he be of comely proportion & sufficient stature, not less then fowerteen hands high, reckning fower inches to a handfull, & such a horse to be vejwed & allowed by the major part of the selectmen of the toun where the ouno<sup>r</sup> liues; and if any person or persons turne any stone horse vpon the comons, or at liberty, or in the woods, being not vejwed and allowed as before, he or they shall forfeite twenty shillings a moneth for euery stone horse running at liberty after he is a two yeares old, which pœnalty is to be taken by warrant of the selectmen, & imployed to the tounes vse; and if the selectmen of any toun doe neglect their duty in taking their fines, & vejwing such as are brought in according to this lawe, they shall forfeit twenty shillings to the county Treasurer; & this law to be in force the first of October next.

Order for best  
improouement  
of stone horses

Whereas the prizes of horses & mares in the country rate hath been reckoned at ten pounds p horse and mare, which hath been, for a good space, much more then vpon an æquall consideration aboue their worth for the generall, for the more æquall & just proceeding in country rates for the future, it is therefore enacted by the authority of this Court, that all horses & mares of three yeares old & vpwards shall be reckoned at fve pounds p horse & mare; & all under that age, as two yeares old, &c, at three pounds p colt; & all of a yeare old, &c, at thirty shillings p colt, &c.

Order regulat-  
ing y<sup>e</sup> prizes of  
horses & mares  
to y<sup>e</sup> country  
rate, &c.

Whereas this Court, in October, 1667, granted liberty to any person to build a dry docke in Boston or Charls Toun, refference vnto the sajd order being had, it is ordered by this Court, that if any person see cause to set vpon

Order encour-  
aging to build  
a dry docke.

1668.

29 April.

building such a dry dock, & shall finish the same w<sup>th</sup>in one yeare after the next session of this Generall Court, such person shall haue the sole advantage of such docke to himsele, heires, & assignes after the sajd docke shall be finished ; and it is declared, that no other person shall be allowed to vndertake the building of a dry docke in this jurisdiction for the space of twenty one yeares after the finishing of the first docke vndertaken, provided such vndertakers keepe & maintejne the sajd dock in such repaire at all times as may atteine the end proposed.

[\*603.]

Fishermens  
liberty to cutt  
flake regulat-  
ed.

\*For the explanation of an order bearing date 1646, and the repeating of the same 1667, for giving a liberty to fishermen, according to a reservation in the patent, to cutt doune wood for flakes or stage, & other vses about their fishing imploy, that it is intended only in that order to give liberty to such as are strangers, & come only to make fishing voyages, & not to fishermen that are inhabitants, who are not to trespasse vpon any person in their propriety, but are liable to make satisfaction w<sup>th</sup> damages, as in any other action of trespasse, no way restreyning fishermen in co<sup>m</sup>on lands, any law, custome, or vsage to the contrary notw<sup>th</sup>standing.

In whose power  
y<sup>e</sup> chojse of  
military offi-  
cers are. Past  
October Court,  
& referred en-  
try till y<sup>e</sup>.

This Court, considering the direction of our patent relating to the state- ing of all military officers in this jurisdiction, doe hereby order & declare, that all co<sup>m</sup>ission officers that at present are in power are confirmed according to their respective co<sup>m</sup>issions ; but for the time to come, where new are to be chosen, it is only in the power of the Generall Court (or, in case of emergency, for the council of the common-wealth) to nominate, choose, appoint, & impower all co<sup>m</sup>ission military officers, excepting the major<sup>r</sup> generall & admirall by sea, the chojse of whom are otherwise provided for by lawe ; and for all inferior officers in companjes, they are to be chosen & appointed by the co<sup>m</sup>ission officers of that company ; & where no co<sup>m</sup>ission officer is, by the major<sup>r</sup> of the regiment.

Cap<sup>t</sup> Pears ac-  
count of his  
maj<sup>ty</sup> accept-  
ance of y<sup>e</sup> masts.  
Proposall for  
payment of y<sup>e</sup>  
freight of y<sup>e</sup>  
masts.

Cap<sup>t</sup> John Pearse hauing given to this Court an account of his maj<sup>ty</sup>s acceptance of this Courts present of the two large masts, sent the last yeare, w<sup>th</sup> those which are speedily to be put on board, together w<sup>th</sup> the chardge thereof, i. e., sixteen hundred pounds, to be paid in London, for their freight, in order to the payment thereof, itt is ordered, that, for the payment of one hundred pounds in England by any inhabitant, on cirtificate made thereof to the Tresurer of the country, he, the sajd Tresurer, shall repay one hundred & twenty pounds in money heere in New England ; and, in case the moneys be not to be paid in England, by reason of the ships miscarriage, for euery hundred pounds engaged here there shall be paid, by the Treasurer of the country, to those that haue given their security for payment of the sajd moneys in

England, for each hundred pounds twenty pounds in money, on notice of the shipp's miscarriage. 1668.

Francis Willowghby, Esq<sup>r</sup>, Dep<sup>t</sup> Gove<sup>r</sup>, Daniel Gookin, Thomas Danforth, & Jn<sup>o</sup> Leueret, Esq<sup>s</sup>, or any three of them, are by this Court nominated & impowred as a co<sup>m</sup>itte for the mannaging of our concernes w<sup>th</sup> Cap<sup>t</sup> John Peirse, taking order for the payment of the freight according to charter party, w<sup>th</sup> such other matters as are necessary to be donne for his dispatch; also, to give order for the presenting the masts to his maj<sup>ty</sup>, & to write letters to such ffreinds as to them shall seeme meete, in order to the improoving any opportunity that Prouidence may present for the advancing the interest of this colony, as in their discretion they shall thinke meete.

29 April.  
Co<sup>m</sup>itte to  
mannag our  
concernes w<sup>th</sup>  
Cap<sup>t</sup> Peirce,  
&c.  
To order y<sup>e</sup>  
presenting y<sup>e</sup>  
masts to his  
maj<sup>ty</sup>.

And the secretary is ordered to furnish them w<sup>th</sup> such reccords & coppies as they shall require.

Secret. to fur-  
nish y<sup>m</sup> w<sup>th</sup>  
reccords.

And the Treasurer is also ordered to pay such moneys & to signe such obligations for the effecting thereof as they shall giue, order, & appoint.

Treas<sup>r</sup> make  
payment, &c.

This Court hauing passed an act whereby they haue obliged the Treasurer for the payment of a very considerable summe of money, and for the enabling him to a faithfull dischargd thereof, care is also taken & provision made according <sup>to</sup> y<sup>e</sup>ir present capacity, —

Treasurers  
power to take  
vp moneys.

Yet, least there should be any fayling of this Courts expectation, the Treasurer is heereby authorized & impoured to take vp moneys, at interest, of such gen<sup>t</sup>men as haue voluntarily subscribed to contribute their helpe herein, or of any others, to a full supply, as the engagements of this Courte shall require.

Whereas this Court is vnder an obligation for the payment of sixteen hundred pounds in England for the transportation of the ships loading of masts to be presented to his majesty, & the treasury of the country being empty, & the specia<sup>e</sup> vsually raised by country rates not likely to effect it, —

This Court doeth therefore co<sup>m</sup>end it to the seuerall inhabitants of this jurisdiction whose hearts the Lord shall make willing to manifest their loyalty to his maj<sup>ty</sup> & loue to this government, that they bring in to the persons appointed by this Court in the seuerall townes what they will freely aduance in money for the defraying the sajd charge.

Order for a  
contribution,  
&c.

And for the better effecting thereof, the selectmen in each toun are required & impowred to receive the same, & to make returne thereof to the Tresurer before the last of June next, whose receite, given vnder his hand, shall be a ffull discharge.

1668. Gent<sup>n</sup> : —

29 April.  
Courts letter  
to Cap<sup>t</sup> Wal-  
dern, M<sup>r</sup> Cutts,  
&c.

[\*604.]

Yow are not ignorant of the order passed by the Generall Court of this colony for the providing of a ships load of masts to be sent to his maj<sup>ty</sup>, w<sup>ch</sup> being now effected & paid for at the chardg of the people here, are now to be sent home by Cap<sup>t</sup> Peirce, \*the payment of the freight whereof, according to agreement made w<sup>th</sup> the ouno<sup>rs</sup> by charter party, is sixteene hundred pounds, to be paid in London, after much consultation & many endeavours, wee finde extreeme difficulty therein. Our motion is therefore to yourselues, who are æqually pertakers w<sup>th</sup> us in the good receiued, & stand alike engaged in acknowledg<sup>mt</sup> of duty & alleagiance to his maj<sup>ty</sup>, that yow will provide such staues as will be needfull for the stowage of the said masts. Cap<sup>t</sup> Pearce informes us that about twenty thousand will be sufficient, only they must be choyce culled white oake staues, or else they will be of litle worth when they come there. Wee haue confidence that your ingenuity is such that yow will readily see that wee impose no other burthen on yow then that which o<sup>r</sup>selues doe take the heaviest end by farr, and that it is but just & æquall that yow should comply w<sup>th</sup> us herein. Wee shall leaue it to yo<sup>r</sup> discretion to take in such others to be assistant to yow herein as to yow shall seeme meet. Wee shall not giue yow further trouble at present, but shall remajne, gent<sup>n</sup>,

Your verry loving freinds,

EDW: RAUSON, Secret<sup>r</sup>, by y<sup>e</sup> ordr of y<sup>e</sup> Ge<sup>n</sup>l Court.

Cap<sup>t</sup> Peirce  
gratuity 600  
acres of land.

As a manifestation of the countrys thankfull acknowledg<sup>mt</sup> of the good service donne by Cap<sup>t</sup> John Peirce, it is ordered, that he shall & hereby is granted to him & his heires sixe hundred acres of land in any ffree place w<sup>th</sup>in this jurisdiction.

27 May.  
Courts order &  
declaration for  
settlement of  
gov<sup>nm</sup><sup>t</sup> in  
Yorks.

Whereas this colony of the Massachusets, in observance of the trust to them comitted by his maj<sup>ty</sup>s royall charter, w<sup>th</sup> the free & full consent & submission of the inhabitants of the county of Yorke, for sundry yeares did exercise govern<sup>mt</sup> ouer the people of that county; and whereas about three yeares now past some interruption haue binn made to the peace of that place, & order there established, by the imposition of some who, pretending to serue his maj<sup>ty</sup>s interest, w<sup>th</sup> vnjust aspersions & reflections vpon this gover<sup>nm</sup><sup>t</sup> here established by his royall charter, haue vnwarrantably draune the inhabitants of that county to subjection vnto officers that haue no royall warranty, thereby infringing the libertjes of our charter, & depriuing the people there settled of their just priuiledges, —

The effect whereof doeth now appeare to be not only a disservice to his

maj<sup>ty</sup>, but also the reducing of a people that were found vnder an orderly establishment to a confused anarchy.

1668.

27 May.

The premisses being duely considered, this Court doe judge meete, as in duty they stand bound to God & his majesty, to declare their resolution againe to exert their power of jurisdiction ouer the inhabitants of the sajd county of Yorke, —

And doe hereby accordingly, in his maj<sup>ty</sup>s name, require all & euery of the inhabitants there settled to yeild obedience to the lawes of this colony, as they haue been orderly published, & to all such officers as shall be there legally stated by the authority of his maj<sup>ty</sup>s royall charter, & the order of our comissioners, whom this Court hath nominated & impowred to settle all officers necessary for the government of the people there, & to keepe a Court this p<sup>s</sup>ent summer the first Tuesday in July, at Yorke Tounes, as haue been formerly accustomed.

And for that end wee haue comāded our secretary to issue out warrants to the inhabitants there in their respective tounes, to meet & choose jurors, both grand & petit, constables & other officers, for the service of the country, as the lawe requireth; the sajd warrants to be directed vnto Nathaniel Masterson, who is by this Court appointed the marshall of that county as formerly, & by him the sajd warrants are to be deliuered to the seuerall constables, to be accordingly executed. A due observance whereof, w<sup>th</sup> an orderly returne, to be made to the Court, to be held as abouesajd, is heereby required of all persons respectively concerned, as as they will answer the contrary at their perill.

Secretary to  
issue out war-  
rants for choise  
of officers.

By the Court.

EDW: RAWSON, Secrety.

Warrants issued out accordingly, and were, —

Warrant.

To Nathaniel Masterson, marshall of y<sup>e</sup> county of Yorke.

Yow are hereby required in his maj<sup>ty</sup>s name forthwith to deliuer the order of the Generall Court, aboue written to the constable of Yorke, who is alike required forthwith to assemble the ffreemen & inhabitants together, & being so mett, publickly & audibly to read the order aboue written, & to signify to them that they are hereby required, in his maj<sup>ty</sup> name, to choose meet & fit persons for associates, grand & petit jurymen, to serve at the County Court, to be held at Yorke, as in the order of the General Court is exprest hereof, not to faile.

Dated in Boston, 27 May, 68, & so mutatis mutandis to y<sup>e</sup> other tounes.

1668. To Major Geñ Jn<sup>o</sup> Leueret, Edward Ting, Esq<sup>s</sup>, Cap<sup>t</sup> Richard Walderne, &  
Cap<sup>t</sup> Robert Pike.

27 May.

Comission for  
y<sup>e</sup> gent<sup>n</sup> y<sup>t</sup> goe  
to settle Yorks,  
&c.

Gent<sup>n</sup> : —

Yow are hereby authorized & required to repajer to Yorke, in the county of Yorke, & there yow, or any two of yow, whereof Major Generall Leueret shall be one, to keepe a County Court, according as the lawe directs; and in case yow meete w<sup>th</sup> any person or persons, vnder the pretence of any other authority that shall swerue from the due obedience they owe vnto this jurisdiction, vnder his maj<sup>ty</sup>s royall charter, to which they haue submitted & engaged themselues, that yow call before yow all such persons, & bring them to a due tryall, & to proceed to sentence as the merrit of their offences shall require.

[\*605.]

Further, yow are authorized & comissionated to establish & confirme all officers & comissioners, civil & military, as yow shall judge meete, for the setling & preserving of order & peace in the sajd county of Yorke. \*And for the better enabling yow to effect the same, yow are hereby authorized, from the date of these presents, to act & doe all such things preparatory to the keeping of Courts & setling of peace in the sajd county, as in your discretions yow shall judge most meet. And all officers, civil & military, w<sup>th</sup>in this jurisdiction, & all other inhabitants, are hereby required to be asistant vnto yow, as the matter shall require; and yow are to render an account of what yow shall doe herein to this Court, at their next session, in October. In testimony whereof, this Court hath caused the seale of the colony to be affixed, & signed by the Gouvernor y<sup>e</sup> 20th May, 1668.

Comissioners  
instruc<sup>o</sup>ns,  
&c.

1. Instructions for our comissioners in the p<sup>r</sup>esent transactions, referring to y<sup>e</sup> affaires of Yorkshire: As yow are impowred, by yo<sup>r</sup> comission from this Generall Court, to exert our jurisdiction in that county, and accordingly to suppress any disturbance or oppositions yow may meete w<sup>th</sup>all in those parts, wee are as well willing that in putting forth the power & trust comitted to yow, yow vse as much lenity as in your wisdom the generall state of the business will admitt.

2. That according as it hath been already expressed to such as did from those parts make application to this Court, yow shall seasonably lett the people there vnderstand the same, namely, that in regard of their late causeless revolt, they must not expect nor haue any priuiledg but what is comon to the rest of the shires or tounes in this jurisdiction.

3. That endeauour be made to make as litle alteration as may be touching

any propriety, but that mens rights stands in statu quo prius, viz<sup>t</sup>, as they were before y<sup>e</sup> revolt.

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4. That yow endeavor to admitt as litle quæstioning of such grants of lands as haue been given in the tyme of the interruption as may be, being don by their generall assembljes.

5. That yow take notice that yow are not altogether obleiged to strict forme of lawe in the present disposing of Courts & officers, ciuyl & military, leauing it to your wisdome (at p<sup>s</sup>ent) to betrust such men as yow apphend fittest for their respectiue places.

Whereas Thomas Gold & company haue been complained of, & stand conuicted in this Court of setting vp an vnlawfull assembly, w<sup>ch</sup> they call a church of Christ, as may fully appear by seuerall orders of this Court, whereof they haue been admonished, warned, & required to desist from their offenciue & presumptuous practizes, yet haue declared their resolution to continue therein, —

Order to summon  
Gold & com-  
pany.

And whereas the councill assembled in March last did, for their further conuiction, appoint a meeting of diuerse elders, & require the sajd persons to attend the sajd meeting, w<sup>ch</sup> was held here in Boston, w<sup>th</sup> a great concourse of people, the effect whereof hath not been preualent w<sup>th</sup> them as wee could haue desired, —

This Court, being sencible of their duty to God & the country, & being desirous that their proceedings in this great cause might be cleare & regular, doe order, that the sajd Gold & company be required to appeare before this Court on the seuenth instant, at eight in the morning, that the Court may vnderstand from themselues, whither, vpon the meanes vsed, or other considerations, they haue altered their former declared resolution, & are willing to desist from their former offenciue practize, that accordingly a meete & effectuall remedy may be applied to so daingerous a malady, & y<sup>e</sup> secretary to issue out warrants accordingly.

Warrants is-  
sued out ac-  
cordingely.

Att the tyme Thomas Gold, W<sup>m</sup> Turner, & John Farnham, being summoned, made their appearanc, & after the Court had heard what they had to say for themselues, proceeded: Whereas Thomas Gold, Willjam Turner, & Jn<sup>o</sup> Farnham, Sen<sup>r</sup>, obstinate & turbulent Annabaptists, haue some time since combined themselues w<sup>th</sup> others in a pretended church estate, w<sup>th</sup>out the knowledge or approbation of the authority here established, as the law requires, to the great greife & offence of the godly orthodox, some of themselues, excommunicated from the churches to which they formerly belonged, haue also constituted among themselues officer or officers to carry on all

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[\*606.]

Courts censure  
of y<sup>e</sup> Annabap-  
tists, as Tho.  
Gold, W<sup>m</sup>  
Turner, Jn<sup>o</sup>  
Farnham, Sen<sup>r</sup>.

administrations in their pretended church society, contrary also to the lawe in that case provided, viz<sup>t</sup>, that such officers should be able, pious, & orthodox, ffor which irregularities they haue been conuented before seuerall Courts, & about two yeares since were enjoyned by this Court to desist from the said practise, & to returne to our allowed church assembljes, w<sup>ch</sup> they haue not the least attended, the council in March last, desirous (after long forbearance) to vse the vtmost meanes to convince & reduce them, intreated the asistance of diuers elders, who, in the meeting house at Boston, did publickly endeavour the same: this Court, considering w<sup>th</sup> how great pertinacy & presumption the said Thomas Gold & company had continued their schismaticall assembling together, (the order of this Court notwithstanding,) judged it necessary to conuent the said Thomas Gold, Willjam Turner, & John Farnam, Señ, before them, that, from themselues, the Court might vnderstand what effect the endeavours of the said elders had taken w<sup>th</sup> them, where the said persons did in open Court assert their former practise to haue been according to the mind of God, and that nothing that they had heard convinced them to the contrary, which practise (being also otherwise circumstanced, w<sup>th</sup> making infaunt baptisme a nullitie, & thereby making vs all to be vn baptized persons, & so consequently no regular churches, ministry, or ordinances, and also renouncing all our churches as being so bad & corrupt that they are not fitt to be held comūnion w<sup>th</sup>, denying to \*submitt to the govrnment of Christ in the church, & entertheyning of those that are vnder church censure, thereby making the discipline of Christ in his churches to be of none effect, & manifestly tending to the disturbance & destruction of these churches, the w<sup>ch</sup> practise of theires, vpon examination before the Court, they professe themselues still resolved to adhere vnto; all w<sup>ch</sup> to allow, would be the setting vp a free schoole for seduction into wayes of error, & casting off the government of Christ Jesus, in his oune appointments, w<sup>th</sup> a high hand, & opening a doore for all sortes of abominations to come in among us, to the disturbance not only of our ecclesiasticall enjoyments, but also contempt of our civil order & the authority here established) doeth manifestly threaten the dissolution & ruine both of the peace & order of the churches & the authority of this government, w<sup>ch</sup> our duty to God & the country doth oblige vs to prevent, by vsing the most compassionate effectuall meanes to attayne the same; all w<sup>ch</sup> considering, together w<sup>th</sup> the danger of disseminating their errors, & encouraging psumptuous irregularities by their example, should they continue in this jurisdiction, this Court doe judge it necessary that they be remooued to some other part of this country or elsewhere; and accordingly doeth order, that the said Thomas Gold, Willjam Turner, & John Farnam, Señ, doe, before the twentjeth of July next,

remooue themselues out of this jurisdiction; and that if, after the said twentjeth of July, the said Thomas Gold, Willjam Turner, & John Farnam, Señ, or either of them, be found in any part of this jurisdiction, w<sup>th</sup>out licence first had & obteyned from this Court or the council, he or they shall forthwith be app<sup>r</sup>hended & comitted to prison, by warrant from any magistrate, there to remajne, w<sup>th</sup>out bayle or majne-prise, vntill he or they shall give sufficjent security to the Governo<sup>r</sup> or any magistrate imēdiately to depart the jurisdiction, & not to returne as abouesajd.

And all constables & other officers are required to be ffaithfull & diligent in the execution of this sentence. And it is further ordered, that the keepers of all prisons whereto the said Thō Gold, Willjam Turner, & John Farnam, Señ, or any of them, shall be comitted, shall not permitt any resort of company of more then two at one time to any of the said persons; and though wee might expect that our indulgence till the twentieth of July might prevajle w<sup>th</sup> them to refreine their offenciue practises during the tyme permitted them to continue amongst us, yet our experience of their high, obstinate, & presumptuous carriages doth engage vs to prohibit them any further meeting together on the Lords dayes, or vpon any other dayes, vpon pretence of their church estate, or for the administration or exercies of any pretended ecclesiasticall functions, as, dispensaōn of the seales, or preaching, wherein if they shall be taken offending, they shall be imprisoned till the tenth of July next, & then left at their liberty w<sup>th</sup>in tenn dayes to depart the jurisdiction vpon pœnalty as abouesajd.

Whereas Thō Gold is comitted to prison in the county of Midlesex, by the last Court of Asistants, for non payment of a fine imposed, this Court, hauing past a censure on him & others, judgeth it meet, after the sentence of this Court is published this day after the lecture to them, that the said Gold shall be declared to be dischargd from his imprisonment in Midlesex as to his fine, that so he may haue tyme to prepare & submitt to the judgment of this Court.

Golds dis-  
chargd from  
Midlesex pris-  
on, &c.

In the case of James Louel, plaintiff, ag<sup>t</sup> Thomas Dyar, defendt, & the selectmen of Weymouth, coming to this Court by the said Lovel his petiōn, after the Court had heard & considered all the evidences in the case produced, they found for the defendt, Thomas Dyar, confirmation of the judgments of the former Courts of Asistants, and order the marshall generall forthwith to giue him, the said Dyar, againe full & peaceable possession of the said thirty sixe acres of land, w<sup>th</sup> the costs of this Court for hearing the case five pounds, fifty shillings for each house, & grant the defendt thirty eight shillings & eight pence.

Courts judgm<sup>t</sup>  
in Louells case  
ag<sup>t</sup> Tho. Dyar.

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Courts judgm<sup>t</sup>  
in Boulters  
case, . 55 6 1  
Costs &  
dam., 29 1 9  
Hearing  
case, 5 0 0

89 7 10

Courts thanks  
to Mr Stough-  
ton, &c.

Francis Pe-  
body left at  
Topsfeild.

Courts ans<sup>r</sup> to  
Jn<sup>o</sup> Westcars  
peti<sup>o</sup>n.

In the case of Nathaniell Boulter, plaintiff, ag<sup>t</sup> Cap<sup>t</sup> James Pendleton, agent & attorney ffor Cap<sup>t</sup> Brjan Pendleton, defendt, coming to this Court by petition, after the Court had heard the evidences in the case produced they found for the plaintiff the some of ffifty ffive pounds sixe shillings one penny damage, being the reuersion of the judgment of the Court of Asistants, ffifth of March, 1667, w<sup>th</sup> costs of Courts, & damage, & hearing of the case, in all thirty fower pounds one shillings & nine pence.

It is ordered, that the thanks of this Court be given to M<sup>r</sup> Stoughton for his sermon on the day of election, & that he be desired to prepare it for the press, w<sup>ch</sup> was donne by the honord Governor.

This Court doeth allowe & approove of Francis Pebody to be leiftennant of the military company at Topsfeild.

In ans<sup>r</sup> to the petition of Jn<sup>o</sup> Westcarr, of Hadley, humbly desiring the favor of this Court to remitt the fine imposed on him for selling licquors to the Indians, &c, the Court judgeth it meet to referr the peti<sup>o</sup>ner to the judgment of the County Court in Hampshire to make abatement of the fine imposed as they shall see cause.

In ans<sup>r</sup> to the ffreemen & inhabitants of Hauerill, the Court, considering the remotenes of Hauerill from any magistrate, judge meet to authorize & impower Cap<sup>t</sup> Nathaniel Saltonstall to joyne persons in marriage, hauing legally proceeded, & to take acknowledgment of deeds.

[\*607.]

Ans<sup>r</sup> to George  
Rugby peti<sup>o</sup>n.

\*In ans<sup>r</sup> to the peti<sup>o</sup>n of George Rugles, the Court judgeth it meet to grant him a hearing of his case men<sup>o</sup>ned in his petition on the first second day in the afternoone, next sessions.

Ans<sup>r</sup> to M<sup>r</sup>  
Bradstreets  
peti<sup>o</sup>n.

In ans<sup>r</sup> to the peti<sup>o</sup>n of M<sup>r</sup> Symon Broadstreet, the Court judgeth it meete to grant him a hearing of the case between himself & James Euerell, at the next sessions of this Court, on the first Wednesday after the begining of y<sup>t</sup> session, & notice to be given to the defendant accordingly.

Ans<sup>r</sup> to Jn<sup>o</sup>  
Lewis peti<sup>o</sup>n.

In ans<sup>r</sup> to the peti<sup>o</sup>n of Jn<sup>o</sup> Lewis, the Court judgeth it meete to referr the peti<sup>o</sup>ner to the County Court at Boston to remitt or abate his fine imposed as they shall see cause.

Ans<sup>r</sup> to Salis-  
bury new  
toun, now  
Amsbury.

In ans<sup>r</sup> to the petition of the inhabitants of Salisbury new toun, humbly desiring the favo<sup>r</sup> of this Court that their toun may be named Emesbury, the Court grants their request.

W<sup>th</sup> liberty of a  
ferry there.

In a further answer to their request to haue liberty granted them to keepe a ferry ouer Merremack Riuer, about M<sup>r</sup> Goodins house, the Court judgeth it meet to grant that there shall be a ferry kept as is desired, & leaue it to the next Court of that county to appoint both the person that is to keepe it & also to appoint the price.

In answer to the petition of seuerall coopers, inhabitants of Boston & Charls Toune, the Court, hauing considered this petition, & also pervsed the lawe about caske & coopers, and finding the lawes haue provided for rectifying many of the evils here mentioned, see not reason to determine any thing further at present, but doe order & appoint Cap<sup>t</sup> W<sup>m</sup> Daus, Cap<sup>t</sup> Thomas Lake, M<sup>r</sup> Jn<sup>o</sup> Richards, M<sup>r</sup> Laurenc Hammond, & M<sup>r</sup> James Russell to be a com<sup>i</sup>tee for the ends desired, or any three of them, whereof Cap<sup>t</sup> Daus to be one, & to appoint time & place, & call for any of the coopers to advise w<sup>th</sup> them, presenting their apphen<sup>s</sup>ions w<sup>t</sup> they judg meet to be donn to the next sessions of this Court.

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Ans<sup>r</sup> to Coop-  
ers petition, &c.

In ans<sup>r</sup> to the peti<sup>c</sup>on of Richard Knight, in behalfe of his wife, neece to the late Mathew Giles, this Court judgeth it meete to order & impower the County Court at Portsmouth & Douer to order & dispose the estate of the sajd Giles to such as shall appeare, according to lawe, to haue the best right thereto, & that the marshall of that county in the meane time secure the sajd estate, in case security be not given in to the recorder for the securing thereof.

Ans<sup>r</sup> to Rich.  
Knights peti-  
c<sup>o</sup>n.

Majo<sup>r</sup> Geñll Jn<sup>o</sup> Leueret & M<sup>r</sup> Edward Tyng, or either of them, are hereby intreated & impoured to keepe the next Court to be held at Portsmouth in June next, and that Majo<sup>r</sup> Geñll take care to appoint some meet person to haue com<sup>a</sup>nd of the fortification there for the present, vntill this Court take further order. And it is further ordered, that Cap<sup>t</sup> Richard Walderne, M<sup>r</sup> Elias Stileman, & M<sup>r</sup> Richard Cutts, & either of them, shall & hereby are invested w<sup>th</sup> power to act in all cases as any one magistrate may doe w<sup>th</sup>in the precincts of Portsmouth & Dover for the yeare ensuing.

Major Leu<sup>t</sup> &  
M<sup>r</sup> Ting to  
keep Court at  
Portsmouth.  
Major Leue<sup>t</sup> to  
appoint one to  
com<sup>a</sup>nd y<sup>e</sup> for-  
tification  
there. Cap<sup>t</sup>  
Waldern, M<sup>r</sup>  
Stileman, &  
Rich. Cutts in-  
vested w<sup>th</sup> ma-  
gistraticall au-  
thority for y<sup>e</sup>  
yeare, &c.

In ans<sup>r</sup> to the petition of Jn<sup>o</sup> Vpham, W<sup>m</sup> Brakenbury, Jn<sup>o</sup> Wayte, Jn<sup>o</sup> Sprague, in behalf of y<sup>e</sup> toune of Maulden, the Court sees no reason to grant their request, but judge that the land mentioned in the petition shall remayne for the vse of the ministry w<sup>th</sup>out alteration, vnless they shall present that to the Court w<sup>ch</sup> they may judge better.

Ans<sup>r</sup> to Maul-  
den peti<sup>c</sup>on, y<sup>e</sup>  
land to lye to  
y<sup>e</sup> ministry.

In ans<sup>r</sup> to the peti<sup>c</sup>on of W<sup>m</sup> Adams, a student, &c, the Court judge it meet to impower Jn<sup>o</sup> Adams, the peti<sup>c</sup>oners guardian, to make a good sale of the peti<sup>c</sup>oners lands, for the ends exprest in the petition.

Ans<sup>r</sup> to W<sup>m</sup>  
Adams peti-  
c<sup>o</sup>n.

This Court, being informed of the readines & industrious endeavo<sup>r</sup>s of the inhabitants of Marblehead, put forth the last yeare by virtue of the order of this Court in erecting a good battery, the hand of God going out against them in depriving them of their fishing season the last yeare in a great measure, & that they are but lowe & weake in estate, judge it necessary to

Courts favor to  
Marblehead a  
single county  
rate as to the  
proportion  
granted y<sup>e</sup>m.

1663. grant them their proportion of a single country rate for one yeare, for their encouragement.

27 May.

Mr Endecotts  
farme to pay to  
Topsfeild, &c.

Vpon a motion made in the behalfe of the inhabitants of Topsfeild, itt is hereby ordered, that henceforth Mr Endecotts farme shall pay all publicke charges to the toune of Topsfeild, & this to continue till the Court shall take further order herē.

[\*608.]

Courts ans<sup>r</sup> to  
Jn<sup>o</sup> Martjns  
petiōn.

\*In ans<sup>r</sup> to the petiōn of Jn<sup>o</sup> Martjn, of Chelmsford, humbly desiring the favo<sup>r</sup> of this Court to grant him their releife, the Court declares y<sup>t</sup> y<sup>e</sup> releife of poore persons concernes the toune to w<sup>ch</sup> they doe belong, & that there is provission made accordingly by law, & thither refer the petiōner.

Nipmuck In-  
dians compl<sup>t</sup>,  
& Capen &  
Voss case to  
be heard.

There being in October last, by the order of this Court, a complaint then exhibited, for the performance whereof it was referred to each party to make it appeare what they pretended to at this Court, & the Nipmuck Indians still complayning to this Court ag<sup>t</sup> the Narragansets, & the Narraganset refusing, at least neglecting, to appeare at this Court to make out their right knowne to this Court, & there being another case y<sup>t</sup> comes to this Court, by y<sup>e</sup> Magistrates in the Court of Asistants refusing the virdict of the jury in the case of Leif<sup>t</sup> Jn<sup>o</sup> Capen & Robert Vosse, it is ordered, that these cases be heard on the eighth of this instant May, at eight of the clocke, one after the other, the plaintiffs in both giving the defend<sup>ts</sup> notice thereofe.

8 May.

Lancaster  
brand m<sup>r</sup>ke,  
**Lc**

On the motion of Major Symon Willard, on the behalfe of the toune of Lancaster, that the letter **Lc** be the allowed brand marke for the sajd toune of Lancaster, the Court orders the same so to be.

Courts judgm<sup>t</sup>  
in Capen &  
Voss case, p.  
605.

In the case of Jn<sup>o</sup> Capen, plaintiffe, ag<sup>t</sup> Robert Vosse, defendt, coming to this Court, by the Magis<sup>ts</sup> in the last Court of Asistants refusing the virdict of the jury, the Court, on pervsall & consideration of the case, ffind for the plaintiff, Jn<sup>o</sup> Capen, confirmation of the virdict of the jury at y<sup>e</sup> Court of Asistants, & costs of Courts tenn pounds eighteene shillings & eleven pence.

Ans<sup>r</sup> to Alice  
Thomas peti-  
tion.

In answer to the petition of Alice Thomas, the Court declares that the lawe hath well provided for the licensing of persons to keepe publick houses of entertejnm<sup>t</sup> by the respective County Courts, who, being better acquainted w<sup>th</sup> the state of their oune countyes & the persons therein then this Court, may best know their fitnes for such imploy, & therefore judge it not meet to interpose therein.

And as for the fine imposed on the petiōner, referr hir to the County Court to make hir abatement thereof as to them shall seeme most meete.

Ans<sup>r</sup> to Elisa  
Becks petition.

In ans<sup>r</sup> to the petition of Elisabeth Beck, wife to Alexander Beck, the Court, hauing heard the petitioners grounds of hir request, that the eight pounds due from the country, for keeping one John Clarke, a poore sick man, after

sixe shillings p weeke, the insisting on the promise of the constables for so much, & the Court considering their condition, doé order, that the Treasurer satisfy Allexander Beck the sajd eight pounds, deducting twenty three shillings formerly pajd him by the Treasurer.

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Whereas this honoured Court, the 9<sup>th</sup> 8<sup>m</sup>, 1667, in ans<sup>r</sup> to the petition of M<sup>rs</sup> Grace Bulkley, did order Major Willard, John Fownell, & Jonathan Danforth, as a comitte, to repaire to Concord, & to call all partjes before them concerned in that matter, & make report to this honored Court at this their sessions of what they finde, in obedience therevnto the abouesajd comitte did meete together at Concord on the 27 2<sup>m</sup>, 1668, & heard what both partjes could testify concerning the case, & examined their toune records, and finding a great neglect on M<sup>r</sup> Bulkleys part, in not making his couenant w<sup>th</sup> the toune so cleare as might haue been necessary for his oune security, yet so much is acknouledged by seuerall of the inhabitants, w<sup>ch</sup> doe yet speake to the trueth & substance of the same, that ffrom w<sup>ch</sup> wee haue drawne vp these conclusions to present to this honoured Court in refference to the premisses : —

Courts allow  
anc of the  
comittees re-  
turne abt M<sup>rs</sup>  
Grace Bulkley  
& Concord, &c.

1. That the ounors of the sajd mill shall haue liberty from tjme to time, & at all tjmes, to rajse the water fowre ffoote tenn inches perpendiccular ffrom the bottome of the mill troffe, as now it lieth at the head of the milne pond, but the wast or low shott not to be made narrower then now it is, or to be raysed higher then to rajse the water (at the head of the pond) to lower ffoot seuen inches ffrom the bottom of the milne troffe before the water runns ouer the wast.

2. What land lyeth vnder water, by reason of the milne pond, at such a head of water as aforesajd, shall be the propriety & propper right of the ounors of the sajd mill for euer, excepting alwayes that land which the toune of Concord haue formerly granted to any of their inhabitants, all w<sup>ch</sup> land each proprietor shall enjoy according to his toune grant after the mill is wholly disannulled.

3. The ounors of the sajd mill for euer shall not be liable to satisfy any damage donn to any person or persons whatsoever, by such a head of water kept & majntejned as beforesajd.

4. The ounors of the sajd mill foreuer shall enjoy the benefit of all that water w<sup>ch</sup> may be obteyned by any meanes formerly attempted, i. e., to the highth of such a head of water as aforesajd, w<sup>ch</sup> water shall not be diverted by any person or persons whatsoever.

5. Lastly. The ounors of the sajd mill for euer shall enjoy priuiledge on

1668. the comons for clay & sand convenient for the repaire of the mill damage  
 from tyme to tyme as formerly they haue enjoyed.

27 May.

SYMON WILLARD,  
 JN<sup>o</sup> FOUNELL, &  
 JONATHAN DANFORTH.

The Court approoves of this returne.

[\*609.]

Ans<sup>r</sup> to inhab-  
 itants of Rou-  
 ley village pe-  
 tiçon.

\*In ans<sup>r</sup> to the petition of the inhabitants of Rouley liuing ouer against Hauerill, the Court, hauing considered the petiçon, perused the toune of Rouleys grant to the petitioners, heard Rouley deputy, and also considering a writing sent from Rouley, w<sup>th</sup> what els hath been presented in the case, doe finde that there is liberty granted the petitioners by the toune of Rouley to provide themselues of a minister, & also an intent to release them from their toune ship when they are accordingly prouided, and therefore see not but this Court may grant their petition to be a touneship, provided they doe gett & setle an able & orthodox minister, & continue to majntejne him, or els to remaine to Rouley as formerly.

Ans<sup>r</sup> to Elisa-  
 beth Lausons  
 petiçon.

In ans<sup>r</sup> to the petiçon of Elisabeth Lauson, the Court judgeth it meete to impower & give liberty to the petitioner in hir owne name to impleade any person or persons in any just cause of hers in any Comissioners Court, County Court, or Court of Asistants, to effect, sub forma pauperis, for one yeare.

M<sup>r</sup> Jn<sup>o</sup> Apleton  
 cap<sup>t</sup>, & Jn<sup>o</sup>  
 Whiple cornet  
 of y<sup>e</sup> troop at  
 Ipswich, &c.

This Court doeth allowe of M<sup>r</sup> Jn<sup>o</sup> Apleton & Jn<sup>o</sup> Whiple, according to their chojce by y<sup>e</sup> troop; M<sup>r</sup> Apleton to be cap<sup>t</sup>, & Jn<sup>o</sup> Whiple cornet of the troope at Ipsuich & Newbery, &c, in Essex.

M<sup>r</sup> Symonds to  
 keep Courts in  
 Norfolke.

M<sup>r</sup> Samuell Symonds is appointed to keepe the County Courts in Norfolke for the yeare ensuing.

M<sup>r</sup> Jn<sup>o</sup> Nor-  
 tons 250 acres  
 lajd out to Jn<sup>o</sup>  
 Pajne.

Lajd out, in the yeare 1665, vnto the assignes of the Reuerend M<sup>r</sup> Jn<sup>o</sup> Norton, late teacher to the church of Boston, two hundred & fifty acres of land, which was granted in the yeare 1659 by the honored Generall Court, on the west side of a great pond called & knoune by the name of Quansigamug Pond, southward of the bounds of Lancaster, two hundred & forty acres of the sajd two hundred & fifty acres lying & being on a long square, being bounded on euery side by the countrys land, & tenn acres being added on the east side to make vp the full complement abouesajd, w<sup>ch</sup> is more plainly described by a plot given in to this honoured Court.

THOMAS NOJES, Surveyo<sup>r</sup>.

The north & south lynes being two hundred & forty rods each, & y<sup>e</sup> east & west lynes one hundred & sixty rods each lyne, the Court allowes of this returne.

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The Court, hauing heard the apologies & defenc of the honord Dep<sup>ty</sup> Magist<sup>r</sup> fines remitted.  
Gou<sup>r</sup>, M<sup>r</sup> Bradstreet, Major Dennison, & y<sup>e</sup> Tresurer, for their absenc from the last Court in October, haue reēd full satisfaction therefrom, & remitted their fines.

The bounds & scittuation of M<sup>r</sup> Edward Michelson farme of three hundred acres of land, granted vnto him by the honoured Generall Court, it being laid out to the westward of Hauerill bounds, & it is bounded w<sup>th</sup> land laid out for Jeremy Belchar, of Ipswich, vpon the north; the sajd north lyne extendeth two hundred rod; & at the west end of the sajd north lyne it is bounded w<sup>th</sup> a black oake tree marked, & w<sup>th</sup> a white oake tree marked at the east corner of the sajd north lyne, & bounded vpon the east w<sup>th</sup> land of the sajd Belchars; the east lyne extendeth two hundred twentje & five rods, vnto a white oake tree marked, & w<sup>th</sup> land of the sajd Belchars on y<sup>e</sup> south, vnto a pine tree marked; the sajd south lyne rangeth two hundred rod vpon the square; the west lyne is bounded vpon the countrys land, & extendeth one hundred & sixty rod, vnto the first mentioned black oake tree; & the circular strip of land that joynes to the square conteynes about sixty acres, and it is sufficiently bounded w<sup>th</sup> heap of stones & trees marked; and at the west end of the sajd strip it is bounded w<sup>th</sup> two heapes of stones, one vpon each side of the sajd strip. The aboue mentioned ffarme was laid out & bounded as is herein exprest by vs whose names are herevnto subscribed, the 23 June, 1667.

JOSEPH DAUIS,

his mrke

WILLJAM W NEFF.

The Court allowes of this returne.

In ans<sup>r</sup> to the petiçōn of Jonathan Negus, the Court judgeth it meete to grant him two hundred acres of land for a farme in any place free from former grants.

Ans<sup>r</sup> to Jn<sup>th</sup>an Negus petiçōn.

In ans<sup>r</sup> to the petiçōn of M<sup>r</sup> Samuell Mauericke, this Court judgeth it meet to referr the petitiono<sup>r</sup> to the County Court at Boston, impowring them to remitt or abate the fine, as they shall see cause.

Ans<sup>r</sup> to M<sup>r</sup> Mauericke's petiçōn.

George Colton being formerly chosen a quartermaster of the county troope in Hampshire, the Court, being informed thereof by Cap<sup>t</sup> Pinchon, doe allowe thereof.

George Colton quarterm<sup>r</sup> of y<sup>e</sup> troop in Hampsh<sup>r</sup>.

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Benja. Cooly  
ensigne of  
Springfeild.

[\*610.]

Richard  
Sprague capt<sup>t</sup>,  
Lawr<sup>no</sup> Ham-  
ond left of  
Charls Toune  
comp.Ans<sup>r</sup> to Mary  
Whartons peti-  
tion.

Benjamin Cooly being chosen ensigne to the ffoote company at Spring feild, so attested by Cap<sup>t</sup> Pinchon, the Court approoves of him as ensigne there.

\*Richard Sprague, Señ, was chosen, at a legal meeting in Charls Toune, captaine of the military company, & Lawrence Hamond was then also chosen leiftenñt of y<sup>e</sup> sajd company, as was attested by the honord Dep<sup>t</sup> Gov<sup>r</sup> & M<sup>r</sup> Richard Russell. The Court therevpon allowes of the persons aboue mentioned to the places to w<sup>ch</sup> they were *cho* chosen.

In ans<sup>r</sup> to the petition of Mary Wharton, wife of Phillip Wharton, the Court, vnderstanding the necessitous & lowe condition of the petitioner, by reason of hir husband, Phillip Wharton, his leaving hir, & not providing for hir as is meete, doe order, that his the sajd Whartons estate, which he hath left behind in Morrice his hands & elsewhere, be secured & improoved by the selectmen of Boston for the releife & maintenance of Mary, the sajd Phillip Whartons wife, till her sajd husband shall returne, or by some other way provide comfortably for hir.

And in further ans<sup>r</sup> to the sajd petition, the Court judgeth it meete to order, that Richard Gridley either paying forty pounds forthwith to the Treasurer of the county of Suffolke, or present an estate of the sajd Phillip Whartons in land or else, ffree of intanglements, to that value, for the marshall of the county of Suffolke to lay his execution vpon, & deliuer the same to the Treasurer of Suffolke, the former land extended vpon therevpon to be voyd, & the remainder of the sajd fine to be respitted till the sajd Philip Wharton shall returne & give the County Court of Suffolke ffull satisfaction of the dischardge of his duly in a convenient & meete provision for his wiues subsistence, that so the toune & country may be freed from further trouble & chardge.

Deputs at-  
tend<sup>t</sup> allowanc.

It is ordered, that such allowance for the attendanc on the House of Deputjes the last yeare, & so for this yeare, as by them shall be determined, shall be allowed.

Timo. Dwight  
dischardgd his  
leftenn<sup>s</sup> place,  
on his request.

In answer to the request of Timothy Dwight, leftenn<sup>t</sup> to the military company in Meadfeild, humbly desiring the favo<sup>r</sup> of this Court to dischardge him of that place, his sight defectiue, &c, the Court judgeth it meet to grant the petiçoners request.

Mr Hen. Clarke  
to marry at  
Hadley.

It is ordered by this Court, that M<sup>r</sup> Henry Clarke, of Hadley, shall & hereby is impowred to joyne persons together in y<sup>e</sup> state of marriage, according to the lawes of this jurisdiction.

Comittee to  
lay out M<sup>r</sup> Sy-  
monds 250  
acres.

This Court, in October, 1666, hauing granted to M<sup>r</sup> Samuell Symonds two hundred & fifty acres of land, where it may be found free from hindering

any new plantations or former grants, power is hereby given (vpon his request) to Corporall John Gage, M<sup>r</sup> Daniel Epps, Robert Lord, Ju<sup>n</sup>, & Willjam Quarles, or any two of them, to lay out the same according to his grant. 1668.  
27 May.

In ans<sup>r</sup> to the petition of Samuell Church, humbly desiring the favo<sup>r</sup> of this Court, that he lately purchasing of the late John Bernard, of Hadley, five rood of swampland, for which he paid the said Jn<sup>o</sup> Barnard in his life tyme the greatest part of the value thereof agreed vpon, & hauing no deed for the same, this Court judgeth it meete, on the euidence of Samuell Gardiner, Se<sup>n</sup>, Richard & Edward Church, w<sup>ch</sup> are on file, to order & impower Francis Bernard & Richard Goodman, administrators to the estate of the said John Bernard, to make & giue vnto the said Samuell Church a firme deed for the said five roods of swampe land, & to his heires, &c, as is desired.

Courts ans<sup>r</sup> to  
Samuell  
Churchs peti-  
tion.

Wee, whose names are here vnto subscribed, being appointed by the honoured Generall Court to vejw & consider of the bounds of the touneship of Exetur, & to make returne to the next sessions of the Court, two of vs having taken a survey of the lands about their toune, & the bounds of other tounes adjacent, wee, whose names are vnder written, doe judge that the bounds of the toune of Exetur shall extend northward to Lamperele Riuer, & from the first fall in Lamper Eele Riuer, sixe miles vpon a west & by north lje, adjoyning to Douer bounds, as they are lajd out & confirmed, & then two miles further vpon the same point of the compas, that to be their north bounds; & from the ffoote of Exetur Falls by the present greist milne, a mile & a halfe due south, to Hampton bounds; & from that south point, to runne vpon a west & by north lje, tenn miles into the woods adjoyning to Hampton bounds, that to be their south bounds; & so from the end of that lje vpon a streight lje ouer the land, to meete w<sup>th</sup> the other lje on the north y<sup>t</sup> extendeth from Douer bounds, that to be their head lje westward, & Quampscot patent to be their east bounds.

By vs,

SAMUELL DALTON,  
RICHARD WALDERNE.

Dated y<sup>e</sup> 8<sup>th</sup> of the 8<sup>m</sup>, 1667.

Though I could not, by reason of streightnes of time, make a full vejw of all \*the lands aboue mentioned, yet from what I doe know of it, together w<sup>th</sup> that information that I haue had of those that doe well know of the quality of the rest of the land, doe judge that the bounds aboue men<sup>c</sup>ōned may be just & reasonable, & doe concurr in subscription.

Exeter bounds.  
[\*611.]

ROB<sup>t</sup> PIKE.

1668.

27 May.  
Conditionall,  
&c, 10<sup>s</sup> for eury  
mast tree falne.

In ans<sup>r</sup> to the desier of John Gilman, in behalfe of the toune of Exetur, for setting the bounds of their toune, it is ordered, that Exetur bounds be stated & settled according to the aboue returne of M<sup>r</sup> Richard Walderne, M<sup>r</sup> Samuuell Dalton, & Cap<sup>t</sup> Robert Pike, who were appointed a co<sup>m</sup>itte by y<sup>e</sup> Generall Court the 8<sup>th</sup> of the 8<sup>m</sup>, 1667; provided, that all pine trees fitt for masts, w<sup>ch</sup> are twenty fower inches diameter & vpwards, w<sup>th</sup>in three foote of the ground, that grow aboue three miles from their meeting house, where it now stands, in any place w<sup>th</sup>in the bounds of the said toune, are hereby reserved for the publick; and if any person or persons shall presume to fall doune any such pine tree fitt for masts, he or they shall forfeit tenn pounds for euery tree, the one halfe to the informer, & the other halfe to the publicke treasury of the country; provided also, that this grant vnto the toune of Exiter shall not infringe M<sup>r</sup> Samuuell Symonds in his grant of two hundred & fifty acres of land, formerly granted.

Courts judgm<sup>t</sup>  
in Capen &  
Voss case.

In the case of Jn<sup>o</sup> Capen, plaintiffe, ag<sup>t</sup> Robert Vos, defend<sup>t</sup>, coming to this Court by the magistrates in the Court of Asistants last refusing the virdict of the jury, the Court, on pervsall & consideration of the case, finde for the plaintiff the confirma<sup>c</sup>on of the virdict of the jury at the Court of Asistants, i. e., the reuersion of the former judgment of y<sup>e</sup> County Court, & twenty shillings damage, & costs of Courts tenn pounds eightene shillings & eleven pence.

Ans<sup>r</sup> to Holo-  
wells peti<sup>c</sup>on.

In ans<sup>r</sup> to the petition of Willjam Hollowell, the Court, hauing pervsed the petition, & examined other papers concerning the case, & heard the partjes concerned, & considering all, doe not see cause to alter the judgment of the County Court thereabouts, nor the diuission made by the persons appointed by the County Court, as in their paper, bearing date the 21 December, 1667, is expressed, but doe judge meete & order, that Willjam Holowell shall take his chojce of either part of that diuission, and freed from any bonds or engagements to Stephen Butler otherwise then by order of the County Court.

Isack Morrills  
204 acres land  
lajd out to  
Nath. Walker,  
&c.

Att request of M<sup>r</sup> Nathaniel Walker, of Boston, there is lajd out two hundred & fower acres of land in the wildernes, on the account of the late Isack Morrell, deceased, his proportion of the fower thousand acres formerly granted to Roxbury, lying nere the southwest of Groaten toune, beyond Nashaway Riuer, at a place called Abbaquackea, begining at a chesnut tree marked w<sup>th</sup> W, and from thence runns northwest & by north two hundred & sixty pole; & from the former chesnut tree north east & by east one hundred & twenty eight poles; the other two l<sup>j</sup>nes are parraleles, also, w<sup>ch</sup> are suf-

ficiently bounded by markt trees, as is more fully demonstrated by a plot taken of the same. 23 8 m, 1666.

1668.

27 May.

By JONATHAN DANFORTH, Surveyor.

The Court allowes & approoves of this returne.

In ans<sup>r</sup> to the petition of the inhabitants of y<sup>t</sup> part of Salem comonly called Basse Riuier, humbly craving the favour of this Court to invest them w<sup>th</sup> power to choose yearly w<sup>th</sup>in themselues a fit number of persons who may haue power, as selectmen haue in other places, to rajse those charges that are to be defraied by & w<sup>th</sup>in themselues, & for the admission of those poore or others y<sup>t</sup> desire to inhabitt w<sup>th</sup> them, (they being to mainteyne them if they fall into want,) & ffor what other smale causes and buisnesses, arising properly w<sup>th</sup>in themselues, fall vnder the cognizance of selectmen; also, that they may choose their constable & surveyor's for the highway, & what other officers or persons the affaires abouesajd may necessitate & occasion them to imploy; yet they would be vnderstood that their desire is still to continue with y<sup>t</sup> part of the toune of Salem, viz<sup>t</sup>, in bearing w<sup>th</sup> them, & they w<sup>th</sup> us, comon toune & country charges in comon interests & concernements, as chojce of deputjes for the Generall Court, & such like, as hitherto they haue proceeded together.

The Court, on pervsall of their petition, & hauing heard w<sup>t</sup> Salem deputjes sajd, judge meet to grant their request, provided the toune of Salem doe fully concurr therew<sup>th</sup> & agree thereto, w<sup>ch</sup> if they shall not, the Court judgeth it meet that they manifest the same at the next sessions of this Court.

Leif<sup>t</sup> Clarke & Leif<sup>t</sup> Cooper, on their request, hauing binn long absent from their homes, are dismist the service of this Court.

Left Clarke &  
Left Coopers  
dismission.

Mr Peter Tilton, deputy for Hadley, vpon his vrgent occasions & request, is dismist the seruice of this Court.

Mr Tilttons dis-  
mission.

\*The Court, on weighty reasons mooving them therevnto, having by their order, this Court, disposed of the annual recompenc of Edward Michelson, marshall generall, to the publick vse & advantage, judge it necessary to provide for so auncient a servant of this Court some comfortable maintenance instead thereof, that so no discouragement may rest vpon him, doe therefore order, that the sajd Marshall Geñill Edward Michelson shall be allowed & payd fifty pounds p annū out of the country treasury in leiw thereof, by the Treasurer for the tyme being.

[\*612.]

Marshall Mich-  
elsons recom-  
pence.

Whereas this Court, in October last, heard a complaint of the Nipmuck Indians ag<sup>t</sup> the Narraganset Indians, & did order that the Narragansett should haue liberty & oppertunity to make out their pretences vnto dominion ouer the Nipmucks (w<sup>ch</sup> they claymed) vntil the end of this Court of Election, &

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Differenc be-  
tween y<sup>e</sup> Nip-  
muck & Nara-  
g<sup>set</sup> Indians  
settled.

in the interim to liue in freindship w<sup>th</sup> them, & to restore certeine goods taken from them; and whereas, at the begining of this Court, a day was appointed to heare both partjes, & to that end orders that the Narragansett should haue notice of the day appointed, w<sup>ch</sup> accordingly they had, but through some mis-reports carried to them, as they alleadged, their coming at the day prefixed was hindered, wherevpon the Nipmucks (who did appeare) were dismissed, not expecting that the Narragansets would appeare; but since that time, vpon the thirteenth day of this instant, the Narraganset deputjes appeared before the Gouverno<sup>r</sup> and Magistrates, & tendered some thing in way of prooffe that the Nipmuck Indians (especially those of Quatissit) were subject to them, yett w<sup>th</sup>all offering & declaring that, if the Nipmucke Indians were reall in their profession to serue God & to liue vnder the government of the English, they were willing it should so be, and also would returne the gunns, & all other goods taken from the Indians of Quatissit, vnto the custody of Cap<sup>t</sup> Willjam Hudson, there to remajne for some time, untill it appeare that the Nipmucks were reall & vnfeigned in praying to God. Now, forasmuch as the Nipmuck Indians were dismissed and not present to answer, the Court cannot proceed vnto a full dtermination of the case, but doe declare, that they accept of the offer of the Narragansets to restore forthwith the gunns, & all other goods taken by them from the Nipmucks, & deliuer them to Cap<sup>t</sup> W<sup>m</sup> Hudson, or whom he shall appoint, to be kept & secured vntill the Govern<sup>r</sup> or Deputy Gouverno<sup>r</sup>, w<sup>th</sup> any two magists, shall, vnder their hands, order the deliury of them vnto the Nipmucke Indians, that, in the interim, trjall may be had of the reality of the Nipmucks Indians in their profession to pray to God & be in subjection vnto the gouernment of the Massachusets; and furthermore, this Court doeth accept of the Narraganset professions of their continued affection to the English of the Massachusets, & their resolution to adhere to their couenant made w<sup>th</sup> the co<sup>m</sup>issioners of the Vnited Colony<sup>s</sup> bearing date 1645; and further, this Court doe declare, that they doe account the Narragansets as their freinds, & will be ready at all times to manifest their amity & freindship vnto them in all wayes of righteousness & æquity; and w<sup>th</sup>all, this Court doe declare their willingnes & readines to encourage the Nipmucke Indians in praying to God & living orderly, if, vpon experience, it appeare that they are reall in their declared pfessions. In a writing, vnder their hands, bearing date Ma<sup>y</sup> the ninth, 1668, tendered to this Court, & remayning on file.

Forty acres  
land lajd out to  
Samuell Basse.

Forty acres of land lajd out to Deacon Samuell Basse, in right of Richard Stacy, lying on the north side of Charls Riuer, neere Nicholas Wood farme

& Mr Hulls, & is bounded by the lynes of A B C D E, conteyning thirty seuen & a quarter <sup>^</sup>; being from A to B one hundred & seventy rods, from B to C ninety seven rod, from C to D thirty rods, & from D to E one hundred rods, & from E to A six rods. This 26 Aprill, 1668, by me,

JOSHUA FISHER.

The Court judgeth it meet to confirme & allow of this forty acres lajd out to Deacon Samuell Basse.

In ans<sup>r</sup> to the petition of Marmaduke Johnson, the Court judgeth it not convenient to grant the petitioners request.

Ans<sup>r</sup> to Johnsons petition in y<sup>e</sup> negative.

It is ordered, that the bill of two p cent custome vpon goods imported, &c, be referred to the comitte, Mr Symon Bradstreet, Mr Thō Danforth, Cap<sup>t</sup> Foster, & Cap<sup>t</sup> W<sup>m</sup> DAVIS, to present to this Court at their next session some effectuall meanes for the end intended.

2 p<sup>r</sup> cent.

In answer to the petition of Job Tyler, the Court, hauing perused his petition & other writings, declare that the case should properly haue gonne to the Court of Asistants, w<sup>ch</sup> being neglected in its season, yet a hearing there may best satisfy the persons concerned, & doe therefore referr the petiōner thither.

Ans<sup>r</sup> to Job Tylers petiōn.

\*In ans<sup>r</sup> to the petition of Alice, the wife of John Hoare, of Concord, the Court judgeth it meete, on the petitioners satisfying & paying in to the Treasurer to his content the sūme of tenn pounds, to abate the remajnder of hir husbands fine yet remayning, & vnpaid.

[\*613.]  
Ans<sup>r</sup> to Alice Hoars petition.

Lajd out to Jn<sup>o</sup> Endecot, Esq<sup>r</sup>, Gou<sup>r</sup>no<sup>r</sup>, fūe hundred acres of land in the wilderness, at Pennicooke. One part or parcell of the same, conteyng thirty sixe acres, more or lesse, ljeth vpon an island in the sajd Riuer of Merremacke, which island lyeth at the uery farthest end of that place called Pennicooke; also, one part or parcell of the same, conteyning fower hundred sixty fower acres, more or lesse, lyeth vpon the aforesajd riuer, on the east side of it; it begins at the north east end of that interuaile at a great pine standing by Merremack side, marked w<sup>th</sup> H, and from this pine it runns doune the riuer by a crooked lje fūe hundred thirty fower pole, where it is bounded by an elme, a great one, standing by the side of the bancke, markt as before w<sup>th</sup> H; from thence it runns to the high vpland almost vpon an east & by north point two hundred seventy sixe pole vnto a stake standing in a swampish peece of ground, a tree standing behind it, eastward, marked w<sup>th</sup> H; and from thence it runs to the first pine, w<sup>ch</sup> is fower hundred fifty fower pole. Also,

May y<sup>e</sup> 5<sup>th</sup>, 1664.

Fiue hundred acres of land lajd out to y<sup>e</sup> late Jn<sup>o</sup> Endecotts Esq<sup>r</sup>s order: confirmed May 12, 68.

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there is two very smale islands lajd to it; one ljeth betweene this land & the great island, w<sup>ch</sup> contejnes by estimation about twelue pole, and another island w<sup>ch</sup> ljeth on the northwest of the first, conteyning about sixteene or twenty pole, by estimation; all w<sup>ch</sup> is more fully demonstrated by a plott taken of the same

By JONATHAN DANFORTH, Surveyo<sup>r</sup>.

The Court approoues of this returne.

Cap<sup>t</sup> Gookins  
500 acres lajd  
out at Nash-  
oue.

The farme of five hundred acres granted to Cap<sup>t</sup> Daniel Gookin at the Generall Court October 11<sup>th</sup>, 1665, being lajd out by Lef<sup>t</sup> Joseph Wheeler, of Concord, & Dauid Fiske, of Cambridge, in the wast lands neere Concord new grant & <sup>Nashoue,</sup> Concord, according to a plott thereof returnd, & on file w<sup>th</sup> the reccords of this Court, & is allowed & accepted of by the Court.

[\*614.]

14 October.

*\*Att y<sup>e</sup> second Sessions of the Generall Court, held at Boston, 14<sup>th</sup> of October, 1668.*

The Court mett at y<sup>e</sup> time, & were present, —

Rich Bellingham, Esq <sup>r</sup> , Gov <sup>r</sup> ,	
Fra <sup>n</sup> Willoughby, Esq <sup>r</sup> , Dep <sup>t</sup> G <sup>v</sup> .	
Symon Bradstreet,	} Esq <sup>rs</sup> .
Sa <sup>m</sup> Symonds,	
Daniel Gookin,	
Daniel Dennison,	
Symon Willard,	
Rich Russell,	
Th <sup>o</sup> Danforth,	
W <sup>m</sup> Hathorn,	
Eliaz <sup>r</sup> Lusher,	
Jn <sup>o</sup> Leueret,	
Jn <sup>o</sup> Pinchon,	
Edw <sup>th</sup> Tyng,	

Maritime af-  
faires.

**W**HEREAS, through the blessing of God vpon this jurisdiction, the navigation & maritime affaires thereof is growne to be a considerable jnterest, the well management whereof is of great concernment to the pub-

lick weale, for the better ordering the same for the future, & that there may be knowne lawes & rules for all sorts of persons employed therein, according to their seuerall stations and capacitjes, & that there may be one rule for the guidance of all Courts in their proceedings in distribution of justice, this Court doeth order, & be it ordered by the authority thereof, —

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Sect 1. That whereas there is many times differences betweene ounors of shippes, ketches, barques, & other vessells in setting forth their seuerall parts, whereby damage doth accrew to the particular concernment of ounors, & if not prevented may be a great obstruction of trade. Where there are seuerall ouners concerned, as ouners in ships, ketch<sup>s</sup>, barques, or other vessells whatsoever, vsed for trafficque, comēce, fishing, logs, board, timber, wood, or stone carriage vpon salt or fresh waters, all such ouners of lesser part shall be concluded for the setting forth of his part by y<sup>e</sup> major part of the whole concerned; such ouners so concluded hauing notice given them of the meeting for such conclusion. If they be nigh hand, & in case of any ouner refusing, or by reason of neglect or absence, or not able to provide for the setting forth his part, the master of such ship or vessell may take vp vpon the bottom for the setting forth of the sajd part, the w<sup>ch</sup> being defrayed, the remajnder of the income of such part to be pajd by the master to y<sup>e</sup> sajd ouner.

Minor p<sup>t</sup> oun<sup>rs</sup>,  
on notic giuen,  
to be concluded  
by y<sup>e</sup> m<sup>aj</sup> p<sup>t</sup>.

Sect 2. And in case of fraightment, where any ouner shall refuse to assent to the letting out of ship or vessell where he is interessed, such dissenter shall manifest it by some publik act of protest, before the signing of charter party, except the master or the rest of the ouners, or both, conceale from him or them their actings, then his or their protest, after charter party signed by themselues or agents, shall be taken for legall dissent, yet not to hinder the proceed of the ship or vessell; but that those so sending hir forth shall be l<sup>j</sup>able to respond his part vpon ensurance, according to y<sup>e</sup> custome of merchants, w<sup>ch</sup> ensurance is to be defalked out of that part of hire due for such ouners w<sup>ch</sup> dissented.

Ouners refus  
ing to signe to  
chart<sup>r</sup> p<sup>ty</sup> to  
make public  
protest, &c.

Sect 3. Whereas masters of ships or other vessells haue their ouners liue parte in one country & part in another, whereby they haue in themselues not only opertunity, & some haue made vse thereof, in their oune persons, to re<sup>p</sup>sent the major part of the ouners in the place where he comes, it is therefore ordered, that such master shall not be taken to haue vote in the ordering of such vessell further then his oune interest, except he make it appeare to the rest of the ouners where he is, that he is authorized vnder the hands of such ouners absent, & then he is to haue votes according to the proportion of parts he stands for, & the majority of parts are to carry it as before; never-

Masters to  
haue but single  
votes, & not to  
make y<sup>e</sup> m<sup>aj</sup>  
p<sup>t</sup>, &c, vnless  
impowred, &c.

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theless, it is to be vnderstood, that any ouner hath power to make sale of his part, either to the rest of the ouners or others, as may be most to his oune advantage; and if any master shall presume to act contrary herevnto, what damage shall be sustejned by the rest of the ouners, the master shall be lable to make good, it being duely proued against him.

Penalty of mariners or masters non attendance on board, &c.

Sect 4. All masters taking chardge as masters of ship or other vessell, & not being sufficient to discharge his place, or that through negligence or otheruise shall imbezell the ouners or imployers stockes or time, or that shall suffer his men to neglect their due attendance on board, both by day & night, especially when whilst merchants goods are on board, & that himself or mate be not on board euery night, to see good orders kept, vpon defect therein, such master shall be lable to pay the damage that shall acrew by such neglect, & being duely proved against him.

Masters to make pticul. agreem'ts wth seamen & officers.

Sect 5. For the masters better securing their men to them, & to prevent all coven, they shall make cleere agreem'ts wth their marriners & officers for their wages, & those agreements enter into a booke, & take the seuerall mens hands thereto, a copy whereof the master, as a portlige bill, shall leaue wth their ouners, if required of them, before their setting saile vpon the voyage; & all such agreements the master shall make good to the seamen, & such ship or vessell as they saile in shall be liable to make good the same.

Masters to make due provisions & drinck, &c, on penalty.

Sect 6. All masters of greater or lesser vessells shall make due & meete provisions of victualls & drinke for their seamen or passengers, according to the laudable custome of our English nation, as the custome & capacity of the places they saile from will admitt, vpon pœnalty of paying damages susteyned for neglect thereof.

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No masters to enterteine seamen not discharged from former imployrs, nor seamen to enter themselves till cleared, &c, on penalty of a months pay, &c.

Sect 7. \*That no master shall ship any seaman or marriner that is ship<sup>t</sup> before by another master, or imployer, vpon a vojage; nor shall any seaman ship himselfe to any other man vntill he be discharged from him that ship<sup>t</sup> him, vpon the pœnalty of him that enterteyns him, to pay one months pay, that such seaman agrees for; as also, of such seaman shipping himself, to pay one months pay that he agrees for, the halfe thereof to be paid to the vse of the poore of the toune or place where such offence is comitted, the other halfe to the complajner or informer.

Masters prohibited to saile into any port but w<sup>t</sup> bound to; but in case, &c.

Sect 8. No master of ship or vessell shall saile into any hauen or port, except necessitated therevnto by wind or weather, or for want of provision, or for security from pyrates, but such port as by charter party or his bill of lading he is bound vnto, vntill he hath deliuered his goods according to his engagement; & in case any master shall take in goods for more posts & places then

one, he shall declare himselfe so to doe to those that freight vpon him; & in case he shall voluntarily goe to any other port or harbor, then he is obleiged to as aboue, if damage to the merchants happen thereby, such master shall make good the same, it being duely proved ag<sup>t</sup> him.

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Sect 9. Any master hired out or imployed by his ouners vpon any voyage, receiving aduice from his imployers that the alteration of the voyage, when they are abroad, may be much for their security & advantage, by going to some other port, the master seeing meet to close w<sup>th</sup> that aduice, the marriners shall not hinder his proceed, vnlesse where any of the seamen shall haue made a pticular contract w<sup>th</sup> the master to the contrary, provided that they be not caried to stay out aboue one yeare, nor be carried to any place where they may be liable to be pressed into a service they are not willing vnto.

Masters may alter y<sup>e</sup>ir voyage in case, &c.  
Seamens contracts to stand good, &c.

Sect 10. Masters shall see that their officers & marriners be duely paid their wages according to agreement made w<sup>th</sup> them, vpon the finishing of their voyage, w<sup>th</sup>out delay or trouble, vpon pœnalty of paying damages for neglect, & all costs that the seamen shall be at for recouering the same.

Masters duely to pay marriners wages according to agreem<sup>t</sup>.

Sect 11. Whereas many times masters take in merchants goods on board their ships or vessels vpon freight, when yet they are not meetly fitted w<sup>th</sup> suitable tackling & seamen for the security of such ships or vessells & goods, —

It is ordered, that in case any master of ship or vessell, after he hath laden vpon his ship or vessell any merchants goods to be transported, shall, for want of sufficient ground tackle, (if to be had,) or because of want of sufficient men being on board, come ashoare to the damage of such merchants or freighters in their goods, the ship shall be liable to make good such damages; & in case the defect appeare to be in the master & men, both or either the ouners shall recouer such damage from them.

Masters, ship, & seamen to beare y<sup>e</sup> loss of goods damified by their neglect or want of ground tackle, &c.

Sect 12. Where any ship master hath mored his ship or vessel, none other shall come so near to him first mored as to doe him damage, or receive damage by him, vpon the pœnalty of him so coming to make good all the damage, & to be further punished, if wilfulnes or perversnes in the action be prooved against him.

Who to pay damage of goods occasioned by ships coming together, &c.

Sect 13. In case any master of ship or vessell vnder saile shall run on or board any other ship or vessell at an anchor, & damnify him, the party offending shall pay the damage; and such ship or vessell as he sajles in shall be liable to arest for the making good the damage, to be judged by indifferent men appointed by the judges thereof, vnless the partjes agree among themselues.

Master running on board any ship at anchor, y<sup>e</sup> ship & master to beare y<sup>e</sup> damage, &c.

Sect 14. In case of losse of goods, by reason of throwing some ouerboard to ease y<sup>e</sup> vessell to saue the rest, the goods throune ouerboard shall not be donne w<sup>th</sup>out the master or majo<sup>r</sup> p<sup>te</sup> of the companjes consent, or at least w<sup>th</sup> the

Goods throwne ouboard by const<sup>s</sup> of m<sup>s</sup> & officers to be made good by an auerage, &c.

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officers, w<sup>th</sup> the master, w<sup>ch</sup> goods shall be brought into an auerage, & the whole losse to be borne by ship & goods, & wages, in proportion, that are sau'd. The like course shall be for cutting of masts & loss thereofe, or boates, cables, or anchors, as also of rigging & sailes for the safety of the whole. The merchants goods are to beare a part of the losse.

Mr & oune<sup>r</sup> to  
beare y<sup>e</sup>  
damages of  
goods shipt on  
an insufficient  
bottom.

Sect 15. In case a ship or vessell, at setting forth, prooues deficient, & gives ouer the voyage, the charges the merchant hath susteyned in shiping & landing his goods shall be borne by the master & owners of such vessell that presumes to take goods into an insufficient bottom.

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Master or mar-  
riners to make  
good damage  
at sea, &c.

\*Sect 16. Any ship or vessell at sea receiving damage by the masters or marriners negligence, yet bringeth the merchants goods home, & deliuereth them according to bills of lading, he shall receive his freight; but if the goods be damified, the master or marriners shall make good the damage.

Ships breaking  
loose, &c, to  
pay damage.

Sect 17. If any ship or vessell in storme shall breake loose & fall vpon another, & doe her damage for want of ground tackle, the ship breaking loose shall make good the damage; but if it appeare the master or marriners, or both, are negligent of freshing their hoase, or clearing their cables, they shall pay the damage for such neglect.

Marriners ab-  
sent w<sup>thout</sup>  
leau<sup>e</sup> punish<sup>t</sup>  
by 5<sup>s</sup> mulct.

Sect 18. All marriners being shipt vpon a voyage, & in pay, they shall duely attend the service of the master, ship, or vessell, for the voyage, & not absent themselues day or night w<sup>thout</sup> leau<sup>e</sup> from the master, vpon forfeite for euery offence fīue shillings.

Officers or  
mariners being  
vnruly, causing  
disturbanc<sup>e</sup>  
dam<sup>s</sup> to y<sup>e</sup>  
goods, how  
punish<sup>t</sup>.

Sect 19. No officers or marriners shall be disorderly or vnruly, to occasion disturbance in the ship or other vessell he is shipped vpon, to hinder or damify the voyage, to be prooued by the master or other marriners, or both, vpon pœnalty of paying the damage, if able; & in case of inabilitie to pay, or suffer corporall punishment, as the nature of the offence may appeare to the judges; & in case master or marriners shall conceale the offences of such, & refuse to give in euidences therein, they shall be annexed or imprisoned, as the judges shall see meete.

Ignorant pilots  
or oth<sup>r</sup>s, offi-  
cers, to loose  
y<sup>e</sup>ir wages, &c.

Sect 20. If any shall vndertake the charge of pylot, boatswajne, gunner, or any other office in ship or other vessell, & not be able to discharge the duty of the place, such shall loose their wages in part or in whole, & be further punished for their presumption, as the judges shall see meete.

Marriners at  
sea or in har-  
bor to keep  
watch on pœ.  
of 12<sup>h</sup>.

Sect 21. All marriners shall keepe true watch at sea or in harbor, as the master shall appoint, vpon pajne of forfeite of twelue penc for euery default, to be defaulted out of their wages.

Marriners de-  
serting y<sup>e</sup> voj-  
age to loose  
y<sup>e</sup>ir wages, &c.

Sect 22. Any marriner that hath entred vpon a voyage, & shall depart & leau<sup>e</sup> the voyage, shall forfeit all his wages, one halfe to the poore, the other

halfe to the master and ouners, & be further punished by imprisonment or otherwise, as the case may be circumstanced, to be judged by the magistrate or magistrates they are complayned to, except such seaman shall shew just cause for his so leaving the voyage, & shall procure an order therefore from authority.

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Sec̃ 23. If any marriner shall haue received any considerable part of his wages, & shall runn away from the ship or vessell he belongs to, & decljue the service of the master in the prosecution of the voyage, he shall be pursued as a disobedient runaway servant, & proceeded w<sup>th</sup> as such a one.

Runaway mar-  
riners, how  
proceeded  
with.

Sec̃ 24. If any marriner shall enterteyne any person or persons on board the ship or vessell he sajles in, w<sup>th</sup>out the masters leaue, or masters or marriners shall doe it at vnseasonable times, he or they shall forfeite twenty shillings, one halfe to the poore, the other halfe to the ouners.

Penalty to en-  
tertein m<sup>r</sup>iners  
w<sup>th</sup>out masters  
leaue, &c.

Sec̃ 25. No seaman or seamen, or officer, shall comitt any outrage vpon the master of any ship or vessell; but those so offending shall be severely punished by fine or other corporall punishment, as the fact shall appeare to be circumstanced to the judges that shall heare it, and as they shall judge meete. If any officers or marriners shall combine against the master, whereby the vojage shall be diverted or hindered, or that damage thereby shall accrue to the ship & goods, they shall be punished w<sup>th</sup> losse of wages, or otherwise as mutineers, as the case may require.

Seamen comit-  
ting outrage on  
ye m<sup>r</sup> to be se-  
fly punished,  
&c.

Sec̃ 26. In case any ship or vessell be in distress at sea by tempest or other accident, the marriners shall doe their vtmost endeavour to asist the master in saving ship & goods, and not desert him w<sup>th</sup>out apparent hazard appeare that by their staying they may loose their liues.

Ships in dis-  
tress not to be  
left by the  
marriners.

Sec̃ 27. And in case of suffering shipwracke, the marriners, w<sup>th</sup>out dispute, vpon their getting on shoare, to doe their vtmost endeavours to saue the ship or vessell, tackle, & apparrell, as also the merchants goods, as much as may, out of which they shall haue a meete compensation for their hazard & pajnes, & any vpon conviction of negligence herein shall be punished.

Marriners to  
doe y<sup>r</sup> vtmost  
in shipwrack to  
saue y<sup>r</sup> goods,  
&c.

\*Whereas there is a lawe provided by this Court for punishing of fornication, but nothing as yet for the casing of tounes where bastards are borne, in regard of the poverty of the parent or parents of such children sometimes appearing, nor any rule held forth touching the reputed father of a bastard for legall conviction, it is therefore ordered, & by this Court declared, that where any man is legally convicted to be the father of a bastard child, he shall be at the care & charge to mainteyne & bring vp the same, by such asistance of the mother as nature requireth, & as the Court from tyme to tyme (according to

[\*617.]

Bastards, by  
whom to be  
majnteyned,  
&c.  
Directions to  
Courts to pro-  
ceed therein.

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circumstances) shall see meete to order; & in case the father of a bastard, by confession or other manifest prooffe vpon triall of the case, doe not appeare to y<sup>e</sup> Courts satisfaction, then the man charged by the woman to be the father, she continuing constant in it, (especially being put vpon the reall discouery of the trueth of it in the time of hir travajle,) shall be the reputed father, & accordingly be l<sup>j</sup>able to the charge of maintenance, as aforesajd, (though not to other punishment,) notw<sup>th</sup>standing his deniall, vnless the circumstances of the case & pleas be such, on the behalf of the man charged, as that the Court that haue the cognizance thereof shall see reason to acquitt him, & otherwise dispose of the childe & education thereof; provided always, in case there be no person accused in y<sup>e</sup> time of hir travaile, it shall not be availeable to abate the conviction of a reputed father, any law, custome, or vsage to the contrary notw<sup>th</sup>standing.

Order for tolling of horse & catle, to prevent felony.

For the prevention of fellonious practises growing vpon vs of stealing of horse kinde & other neate catle, & selling them as their oune, it is ordered by this Court & the authority thereof, that there shall be a toll booke kept in euery toune by the clerke of the writts, wherein all horse kinde & the other catle, as aforesajd, bought of any person, shall be entred, w<sup>th</sup> their age, colour, & marks, at the peril of the buyer, w<sup>th</sup> the name of the seller, & such seller shall haue two vouchers to testify the saj<sup>d</sup> seller to be the proper owner of such horse kinde or other catle so sould; or in case of horse kinde or catle so sold shall be challenged by any other person, the vouchers, in case of the escape of the seller, shall be l<sup>j</sup>able to all damages that shall arise therevpon; & the clerks of the writts shall haue threepenc of the buyer for entring euery such horse kinde or neat catle; and if any horse kinde or other cattle, as aforesajd, so bought by any person, be not toll'd, nor sellers nor vouchers found, vpon challenge of any such catle, the saj<sup>d</sup> buyer shall be l<sup>j</sup>able to all damages, as the felon himself should be were he present; and any person or persons, hauing lost any horse kinde or other such cattle, shall haue ffree liberty to search any toll booke in any toune in any such case.

Danger of buying horses or catle w<sup>th</sup>out tolling y<sup>e</sup>m.

Secre<sup>t</sup> to signe warrants for death, &c.  
Sec<sup>r</sup> or cl<sup>r</sup>ks to signe executions in ciuill or criminall judgm<sup>ts</sup>.

It is ordered by this Court & the authority thereof, that the secretary for the t<sup>j</sup>me being shall from time to t<sup>j</sup>me signe all warrants for the execution of persons sentenced to death either in the Generall Court or Court of Asistants, and that the secretary or clarke of euery Court shall signe warrants for executions in all other judg<sup>m</sup>ts of Courts, civil or criminall, any custome or vsage to y<sup>e</sup> contrary notw<sup>th</sup>standing.

Neglectors of familjes accounted idle persons.

Whereas in the law, ti<sup>t</sup> House of Correction, idle persons are particularly named as such as the lawe intendeth should be comitted to that house for correction & reformation, this Court, taking notice, vpon good information

& sad complaints, that there are some persons in this jurisdiction that haue familjes to prouide for, who greatly neglect their callings or mispend what they earne, whereby their familjes are in much want, & are thereby exposed to suffer & to neede releife from others, —

This Court, for remedy of these great & insufferable euills, doe declare, that by idle persons (mentioned in the recited law) such neglectors of their familjes are comprehended amongst the rest, & y<sup>r</sup> in a speciall manner.

For the better prevention of the breach of the Saboath, it is enacted by this Court & y<sup>e</sup> authority thereof, that no seruile worke shall be donn on that day, namely, such as are not workes of piety, of charity, or of necessity; & when other works are done on that day, the persons so doing, vpon complaint or presentm<sup>t</sup>, being legally convicted thereof before any magistrate or County Court, shall pay for the first offence ten shillings fine, & for euery offence after, to be doubled; & in case the offence heerein be circumstanced w<sup>th</sup> prophaness or high handed presumption, the pœnalty is to be augmented at the discretion of the judges. As an adition to the law for preventing prophaning of the Saboath day by doing servile worke, this Court doth order, that whatsoever person in this jurisdiction shall travell vpon the Lords day, either on horsebacke or on foote, or by boats from or out of their oune toune to any vn-lawfull assembly or meeting not allowed by lawe, are hereby declared to be prophaners of the Sabath, & shall be proceeded against as the persons that prophane the Lords day by doing servile worke.

Itt is ordered by this Court & the authority hereof, that the following order shall be directed & sent by the cl<sup>r</sup>ks of the seuerall sheires Courts to the constables of the townes w<sup>th</sup>in their shire, who are enjoyned faithfully to execute the same; & if, vpon the returne made, it doth appeare that the selectmen are negligent in executing the lawes therein mentioned, the Court shall proceed against them, by admonition or fine, as the merit of the case may require, & shall also dispose of single persons, or stubborne children, or servants, to the house of correction, according to the intent of the lawe, any custome or usage to the contrary notwithstanding.

To the constable of A.

Whereas the law, published by the honnoured Generall Court, lib<sup>r</sup> 1, page 76, sect 3, doe require all townes, from tyme to tyme, to dispose of all single persons & inmates w<sup>th</sup>in their townes to service, and in page 16, tit<sup>l</sup> Children & Youth, it is required of the selectmen \*that they see that all children & youth, vnder family government, be taught to reade perfectly the English tongue, haue knouledge in the capitall lawes, & be taught some

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All workes, except piety, charity, & necessity, pphanation of y<sup>e</sup> Saboth; y<sup>e</sup> pœnalty, &c.

Going out of toune on y<sup>e</sup> Lords day to any meeting not allow<sup>d</sup> by law accounted pphaners of y<sup>e</sup> Sabath.

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orthodoxe chattechisme, & that they be brought vp to some honest employment, profitable to themselues & the comonwealth ; & in case of neglect on the part of the family governo<sup>r</sup>s after admonition given them, the sajd selectmen are required, w<sup>th</sup> the helpe of two magistrates or next Court of that shire, to take such children or apprentices from them, & place them forthw<sup>th</sup> such as will looke more straitly to them ; the neglect whereof, as by sad experience from Court to Court abundantly appears, doth occasion much sinn & prophanes to increase among us, to the dishon<sup>n</sup>or of God & the ensnaring of many children & servants, by the dissolute liues & practises of such as doe liue from vnder family government, & is a great discouragement to those family governo<sup>r</sup>s who conscientiously endeavour to bring vp their youth in all Christian nurture, as the lawes of God & this comonwealth doth require. These are therefore, in his maj<sup>ty</sup> name, to require yow to acquaint the selectmen of yo<sup>r</sup> toune that the Court doth expect & will require that the sajd lawes be accordingly attended, the prevalency of the former neglect notw<sup>th</sup>standing ; and yow are also required to take a list of the names of those young persons w<sup>th</sup>in the bounds of your toune, & all adjacent farmes, throughout of all toune bounds, who doe liue from vnder family government, viz., doe not serve their parents or masters as children, apprentices, hired servants, or journeymen ought to doe, & vsually did in our native country, being subject to their comānds and discipline ; & the same yow are to returne to y<sup>e</sup> next Court to be held at                      on y<sup>e</sup>      day of & hereof yow are to make yo<sup>r</sup> returne, vnder yo<sup>r</sup> hand, & not to faile.

Chojce of  
church officers  
to be by those  
only in full  
communion,  
&c.

None other to  
vote in such  
chojce vnder a  
pœnalty, &c.

Whereas the Christian magistrate is bound by y<sup>e</sup> word of God to preserve the peace, order, or liberty of the churches of Christ, & by all due meanes to promote religion in doctrine & discipline, according to the word of God ; & whereas, by our law, tit<sup>h</sup> Ecclesiasticall, sect<sup>h</sup> 4, it is ordered & declard, that euery church hath free liberty of calling, election, & ordination of all her officers, from time to time, prouided they be able, pious, & orthodox ; for the better explanation of the sajd lawe, & as an addition therevnto, this Court doth order & declare, & be it hereby ordered & enacted, that by the church is to be meant such as are in full comūion only, and that the teaching officer or officers of such church or churches are planted, and that no inhabitants in any toune shall challeng a right vnto or act in the calling or election of such officer or minister, vntill he be in full comūion, vpon the pœnalty of being accounted a disturber of peace & order, & to be punished by the Court of that shire, either by admonition, security for the good behauour, fine, or imprisonment, according to the quality & degree of y<sup>e</sup> offence. For the better preserving of peace & euery mans liberty & safety in this jurisdiction, & to y<sup>e</sup> end that all

fighting, quarrelling, & disturbance may be avoyded, it is by this Court ordered, & by the authority thereof enacted, that no person shall beate, hurt, or strike any other pson, vpon pœnalty of paying to y<sup>e</sup> party stricken, by fine to the county where the offence is comitted, or both, such sume or sumes as the County Court, magistrate, comissioner, or associate that take cognizance thereof shall determine; & because, in this case, seuerall circumstances may alter the degree of the offence, as who do smite, who is smitten, w<sup>th</sup> what instrument, the danger of the wound, more or less, tjme, place, & provocation, & other the like, it is left to the discretion of the judges aforesajd, vpon hearing & consideration, to impose such pœnalty or pœnaltjes as in their discretion shall seeme just, æquall, & proportionable to the merrit of the offence.

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Penalty for quarrelling &amp; fighting, &amp;c.

Itt is declared & ordered by this Court & the authority thereof, that where a judgment is given in any Court for any person of house or land, vpon the triall of the title thereof, if the person against whom the judgment is given doth either forcibly keepe possession thereof still after execution served, or enter vpon it againe, & so reteine possession by force, he shall be counted a high offendor against the lawe, & breake of the publick peace; therefore speedily to redresse such a crjminall offence, euery magistrate is impowred, & by his place hath power, to give warrant & comand to the marshall, officers, & other men, (whom he thinks meete to be employed in the buisnes,) the marshall also requiring ajde, greater or lesser, as need requires, to suppress the force & give possession to the ouner, & to imprison such as do appeare to be delinquents, & their abetto's & aydo's to be forth coming at the next Court that did give the judgment in the case, there to make answer, & whom the Court doth finde guilty, to set such fine or other punishment vpon them as the merrit of their seuerall cases doth require.

Court & magistrates power to make good possession on judgm<sup>t</sup> for house or land, &c.

Itt is ordered by this Courte & the authority thereof, that the age for plaintiffs & defendants in civil cases, before any magistrate, comissioner, or Court of judicature, shall be twenty one yeares of age, & for all persons under that age, their parents, masters, or guardians, as they shall see meete, shall plead & defend their right & interest, as the matter may require; & in all criminall cases euery pson, younger as well as elders, shall be liable to answer in their oune persons for such misdemeano's as they shall be accused of, & may also informe & present any misdemeanour to any magistrate, grand juryman, or Court, any lawe, custome, or vsage to y<sup>e</sup> contrary notwithstanding.

Age for plaintiffs & defend<sup>ts</sup> to sue, &c.

\*Articles of agreement had, made, & concluded vpon in Boston, in New England, the ninetecnth of June, one thousand sixe hundred sixty eight, by & betweene Richard Russell, Treasurer for the Massachusets colony in

[\*619.]

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New England, Daniel Gookin, one of the Assistants, Esq<sup>r</sup>s, Anthony Stoddard, & Jn<sup>o</sup> Richards, gent<sup>n</sup>, a com<sup>o</sup>mittee appointed, & by the Generall Court of the said colony, sitting at Boston the twenty ninth of April, the yeare aforesajd, fully authorized to set & to farme lett the seuerall benefitts & advantages annually accrewing to the colony aforesajd, in & by the particulars hereafter mentioned & declared to be let, of the one part, & Richard Way, of Boston, in the county of Suffolke, of said colony, cooper, of the other part, as followeth : —

Imprimis. The abouementioned Richard Russell, Daniel Gookin, Anthony Stoddard, & Jn<sup>o</sup> Richards, a com<sup>o</sup>mittee of the Generall Court of the Massachusetts colony aforesajd, on the behalfe of the said colony, & according to the power & trust to them com<sup>o</sup>mitted, doe couenant, promise, & grant to & with the above mentioned Richard Way, his heires & assignes, and by these presents, for & in consideration of the faithfull performance of the couenants, grants, & articles by the said Richard Way, in these articles, to be performed, fulfilled, & kept in the seasons & species hereafter expressed, haue absolutely given & granted, set & to farme lett, vnto the said Richard Way, his heires & assignes, for & during the time & terme of three yeares from the day of the date aboue expressed, to be reckoned & compleated, all & euery the benefit & advantages any ways accrewing to the country by virtue of the impost of wjne, brandy, & rumme, w<sup>th</sup> beavers furs & peltry, from hence to be traded w<sup>th</sup> the Indians, together w<sup>th</sup> the rates of drawing of wine from the vintners, as also of selling of beare, cidar, mum, from publick vintners & inkeepers, or other sellers, w<sup>th</sup> the benefit of selling affnjtion to the Indjans, as by lawe of the Generall Court aboue men<sup>o</sup>ned is imposed & settled ; and by these presents doe firmly & absolutely giue, grant, set, & to farme lett vnto the said Richard Way, his heires & assignes, all & euery the benefitts & advantages any wayes accrewing to the country by virtue of the imposts lajd & settled as by law on the seuerall particulars aboue mentioned is expressed, giving, & by these presents granting, vnto the said Richard Way, his heires & assignes, full & absolute power & authority to aske, demand, sue for, & recouer to his & their owne vse, benefit, & behooffe of & from all & all manner of persons in this jurisdiction all & all manner of such benefits & advantages any way due, arising & growing due, for the said imposts so stated, & by the lawe of y<sup>e</sup> Generall Court aboue men<sup>o</sup>ned settled.

Secondly. It is further couenanted & agreed by & betweene the partjes to these articles and the said Richard Russell, Daniel Gookin, Anthony Stoddard, & John Richards, com<sup>o</sup>mittee authorized by the Generall Court as in their order, refference thereto being had, doe, for & on the behalfe of the Generall

Court of the Massachusets, couenant, promise, & grant to & w<sup>th</sup> the sajd Richard Way, his heires & assignes, that in refferenc to the Indian tra[d]e, it shall not be lawfull for any person or persons to trade w<sup>th</sup> any Indian or Indians but such as shall be first admitted & allowed by them, the sajd Richard Russell, Daniel Gookin, Anthony Stoddard, & John Richards, comitteē afore-sajd, or their successors, and that all persons so licensed shall pay, for the countrys vse, for euery moose skin twelue pence, for each bevar & otter skin six pence, for each musquoisish skin one penny, & for all other skins so traded after the rate of two penc p skin.

1668.

14 October.

Provided always, that the impost of wine, brandy, & rumme, that is already imported into any of the harbo's of the Massachusets in any ship or vessell, before this 19<sup>th</sup> of June, 1668, though not landed, shall & doth belong to the country, & are not hereby sett or lett to the sajd Richard Way. In consideration whereof, it is agreed & heereby declared, that what wine, brandy, & rumm shall come into any of the aboue mençōned harbo's in any vessell, before the expiration of the sajd tyme & terme of three yeares, though not landed, shallbe & belong to the sajd Richard Way, his heires & assignes. It is further agreed & concluded vpon, by & betweene the partjes to these articles, that Hampton Toune is the outside bound eastward of any of the rates, incomes of the imposts granted to the sajd Richard Way, & that all forfeitures for neglect of entrijes of wine, brandy, rumm, w<sup>th</sup> pœnaltjes for trading or selling any of the aboue mentioned, w<sup>th</sup>out licence first obteyned, or otherwise, contrary to the true intent of the lawe in such case made, shall goe & be to the vse of the country & informer, as the lawe directs, any thing in these articles notw<sup>th</sup>standing.

In consideration whereof, the abouementioned Richard Way doeth for himself, his heires & assignes, couenant, promise, & grant to & with the aboue mentioned Richard Russell, Daniel Gookin, Anthony Stoddard, & Jn<sup>o</sup> Richards, comitteē, as aboue is exprest, that he, the sajd Richard Way, his heires or assignes, shall & will well & truely pay, or cause to be pajd, vnto the aboue mentioned Richard Russell, Treasurer for the Massachusets colony, the sum of sixe hundred pounds, in New England siluer, p annū, in manner following; & to his successo's, at his or their dwelling house, in Charls Toune, or elsewhere, the sume of one hundred & fifty pounds quarterly, that is to say, one hundred and fifty pounds one each nineteenth of September, nineteenth of December, nineteenth of March, & nineteenth of June, during the time & terme of three yeares; & that he shall & will, on the day of the date hereof, give good & sufficjent security to their content for the performance hereof in all respects. In witnes whereof, the partjes to these presents haue inter-

1668. chaingeably set to their hands & seales this 27<sup>th</sup> day of June, sixteene hundred sixty & eight, 1668.

14 October.

RICHARD WAY, & a seale.

Signed, sealed & deliuered in presence of vs, after y<sup>e</sup> interljning the words (the) (any of) & figures (27) in the originall.

EDWARD RAWSON,  
W<sup>m</sup> DAVIS,  
ELISHA HUTCHINSON.

23 October.

The articles aboue written stand here recorded word for word, compared w<sup>th</sup> the originall, by order of the Generall Court, dated 23: 8, 1668.

As attests.

EDWARD RAWSON, Secret.

[\*620.]

Comittee to  
take y<sup>e</sup> Tresu-  
rers account &  
give him a  
plenary dis-  
charge.

\*This Court doe order, & be it hereby enacted, that the comittee appointed by this Court to take the account of M<sup>r</sup> Richard Russell, Treasurer of the country, doe forthwith issue the same, & on their signing thereof, that they give him a full acquittance accordingly for the full dischargd of him, his execcuto<sup>r</sup>s & administrato<sup>r</sup>s, for the tyme wherein he hath officiated in that place; & the Governo<sup>r</sup> is hereby ordered to put the seale of the country thereto, & signe the same in the behalfe & by the order of this Court.

Law enjoynis  
fishermen to  
catch fish in  
y<sup>e</sup>ir seasons, &  
not otherwise,  
&c.

Itt is ordered by this Court & the authority thereof, that no man shall henceforth kill any codfish, hake, hadduck, or pollucke, to be djed for sale, in the month of December or January, because of their spawning tyme, nor any mackerell to barrell vp in the moneth of May or June, vnder pœnalty of paying five shillings for each quintall of fish, & five shillings for each barrell of mackerell; nor shall any fishermen cast the garbage of the fish they catch ouerboard, at or neere the ledges or grounds where they take the fish, nor shall any of the boates crew refuse or neglect to obey the order of the master of the vessell to w<sup>ch</sup> they belong, for the tymes & seasons of fishing, nor shall they take or drinke any more strong liquors then the master thinks meete to permitt them, the breach of these three last being under the pœnalty of twenty shillings for the first offence; for the second, forty shillings; for the third, three months imprisonment, one third part of the aforesajd *sajd* fines to the informer proving the same.

Fishermen  
vnder y<sup>e</sup> mas-  
ters order for  
licquors, &c.

Courts appro-  
bation of y<sup>e</sup>  
comissioners  
actings to y<sup>e</sup>  
eastward.

The Court, having heard the retorne of their honoured comissioners who were employed by this Court for the reducing of the County Courts of Yorkshire to the obedience of this government, doe w<sup>th</sup> all thankfullnes acknowledge their good service therein, & doe also allowe & approue of what they

haue done in that affajre, & doe order the same to be entred in the publick reccords ;

1668.

And is as followeth : —

23 October.

Vpon receite of this Courts cõmission, w<sup>ch</sup> is recorded in the reccords of the last session, wee presently appointed Peter Wyer cla<sup>r</sup>ke of the writts, & hearing that the marshall, Masterson, appointed by the Court, was imprisoned, wee appointed another marshall by warrant under our hands ; but the former marshall being at liberty againe, the other did not act.

The Court being by law to be kept in Yorke the first Tuesday in July, 1668, being the 7<sup>th</sup> day of the moneth, wee repayred to Yorke vpon Munday, the 6<sup>th</sup> day. Mr Jocelyn & seuerall others, styled justices of the peace, coming nigh to the ordinary where we were, before y<sup>e</sup> doore, after salutes passed, they told us they desired to speake w<sup>th</sup> us in the morning. To their desire wee complied, & gaue them a meeting, where wee acquainted them wee were ready to heare what they had to say, but not assent to treat w<sup>th</sup> them about what wee had to doe by virtue of the Generall Courts cõmission. They acquainted vs that they had lately received a packet from Collonel Nicholls, his letter to the Governo<sup>r</sup> & Magis<sup>t</sup>s of the Massachusetts colony, which they desired us to read, & first their cõmission, the which wee reade ; & hauing read them, wee told them that those concerned the Generall Court, & had been vnder their consideration, all but the latter, from Col<sup>t</sup> Nicholls, & that they had sent their declaration into the county, so that wee had nothing to say, onely that wee did not vnderstand that the cõmissioners had power to make any such temporary settlement, his majesty hauing before him the case, for that the Massachusetts had in obedience sent their reasons why they did not deliuer vp the government of that county to M<sup>r</sup> Gorge, w<sup>ch</sup> was according to his maj<sup>ty</sup>s cõmand.

Cõmissioners  
returne of their  
proceedings at  
the eastward,  
in Yorkshire,  
&c.

Then M<sup>r</sup> Jocelyn told vs, that there was not aboue five or sixe of a toune for vs ; to which wee replied, wee should see that by the returnes made to the Courts warrants, & appearances ; & further told them, wee must attend our cõmission, in prosecution whereof wee should attend his majesties & the countrys service, not our oune ; and if wee mett w<sup>th</sup> opposition, wee should advise what to doe. Many other things passed vs, but w<sup>th</sup> mutuall respect. They sajd they must attend their cõmission. Wee parted, & repayred to the meeting house, and there opened the Court by reading our cõmission publicly, & declaring to the people wherefore wee came ; whereto there was great silence & atten<sup>c</sup>ōn. Then by the marshall wee called for the tounes returnes to be brought in for the election of associates, & returnes were made

1668.

23 October.

[\*621.]

from five tounes ; the *\*the* other two being hindred, as they sajd, by the justices ; yet one of them about halfe the electo<sup>r</sup>s sent in their votes. Whilst the Court was busy in opening, sorting, & telling the votes, the justices came vp, & w<sup>th</sup>out doores, by some instrument, made proclamation that all should attend to heare his majesties comānds. Vpon which order was given to the marshall, & accordingly he made proclamation, that if any had any comānd from his majesty, they coming & shewing it to the Court, the Court was open & ready to heare the same ; therevpon those gent<sup>n</sup> came in, & manifested their desire, that what they had sheune to us in private might be read in Court to the people. To whom we repljed, that the Court was in the midst of their busines, in opening the returnes of the country from the seuerall tounes of election, & so soone as that was ouer, & after dinner, they should haue their desire granted. So they left us, & wee proceeded to see who were chosen associates, had the returnes of jurymen, & their names entred, both the grand jury & that of trjalls, also of the constables, but did not sweare any one, but adjourned the Court, & went to dinner, in w<sup>ch</sup> tyme wee heard that the gentlemen were going to the meeting house to sitt as an assembly, they having before issued out their warrants for the tounes to send their deputjes, wherevpon wee sent to speake w<sup>th</sup> them after dinner. They returned they would, provided wee would not proceed any further vntill wee spake w<sup>th</sup> them. Wee sent them word, wee did engage it. They sent us word, that they would meete vs at the meeting house ; and presently after these marshall & Nathaniel Phillips went up & doune, & at all publicke places published a paper or writing, whom meeting vpon their returne, it was demanded of them what & by what authority they published to the people, to make a disturbance. They answered, that they published what they had in the kings name. They were demanded to shew their order or authority. They answered, that was for their security ; so refusing to shew it, they were comitted to the marshall. Then wee went to Court, where wee found the house full, & the gent<sup>n</sup> to haue taken vp our seats ; so roome being made wee went vp to them, & told them wee expected that they would not haue put any such affront vpon the Court, nor should such motions hinder vs prosecuting our comission, for wee could keepe the Court elsewhere. Some of the people begann to speake, but were comānded sylence, & the officer was comānded by vs to cleare the Court ; wherevpon the people departed ; & Mr Jocelyn spake to some of them nigh him to depart ; so they coming from the seate, wee came to private discourse ; and they insisted to haue their comission & the kings mandamus of 1666 to be read. Wee told them, that wee would performe what wee had promised when the Court was sett ; so wee repayred to our seats, & they, being sett by

us, desired that their comission might be read, w<sup>ch</sup> was done, & the ground of it exprest to be from the peoples petitioning, who were told they could best give answer thereto, but said nothing ; then that part of the mandamus of 1666, w<sup>ch</sup> they desired might be read, was read ; after w<sup>ch</sup> they desired that Collonel Nicholls his letter to the Gouverno<sup>r</sup> & Magistrates of the Massachusetts might be read ; but that not being of concernment to them there, saue only for information of the justices, of what had passed from him to the Gouverno<sup>r</sup> & Magistrates, to whom it was directed, it was refused. Some short account being publickly given that that w<sup>ch</sup> had been read, for the matter hauing been before & vnder the consideration of the Generall Court, they had the declaration of their intendm<sup>t</sup>s ; in prosecution whereof wee were comissionated to keepe Court & settle the country, which worke we had begunne, &, God willing, should prosecute to performe the trust comitted to vs. And having declared to the people that wee were not vnsensible how that at the tyme of the interruption of the government in the yeare 1665, by such of the gentlemen of the kings comissioners that were then vpon the place, they had manifested their displeasure, by telling the people that these Massachusetts were trayto<sup>r</sup>s, rebels, disobedient to his majesty, the reward whereof, w<sup>th</sup>in one yeare, they said, should be retributed ; yet wee told them, that, through the good hand of God, & the kings favo<sup>r</sup>, the Massachusetts were an authority to assert their right of governm<sup>t</sup> there by virtue of the royall charter, derived to them from his majestjes royall predecesso<sup>r</sup>s, & that wee did not doubt but that the Massachusetts colonjes actings for the forwarding his majestjes service would out speake others words, where there was nothing but words for themselues, or against vs ; which done, the gentlemen left vs, & wee proceeded to the worke of the Court, to impannell the grand jury, gaue them theire oaths & charge, & then the associates present wee called to take their oathes. One of them, v<sup>z</sup> <sup>t</sup>, Mr Roger Plajsted, expressed publicquely, that he was sent by the toun he liued in, & accordingly he had appljed himself to the majo<sup>r</sup> generall more privately to know how wee reassumed the government, & how they were to submitt, w<sup>ch</sup> he now menconed in publick, that he might render himselfe faithfull to them that sent him ; to which he was answered in publick, as he had been in private, that wee reassumed the government by virtue of the charter, & that they were to haue like priuiledges w<sup>th</sup> ourselues in the other countyes. Wee had also from Scarborow a paper presented, which herewith wee present to the Court. Then having \*sworne the constables present, impannelled the jury for tryalls, sworne them, & comitted what actions are entred & presented to them, in w<sup>ch</sup> time the gentlemen sent to desire that at our leasure time they might speake w<sup>th</sup> us, they were sent for,

1668.

23 October.

[\*622.]

1668.

23 October.  
Military officers  
settled in  
y<sup>e</sup> generall  
tounes.

and presented vs w<sup>th</sup> a paper. After wee had received it, wee attended to setle the busines of the military officers & trajned bands; & comissionated ffor Yorke, Job Alcocke leiften<sup>t</sup>, Arthur Bragdine ensigne; ffor Wells, John Littlefeild leiften<sup>t</sup>, Francis Littlefeild, Ju<sup>n</sup>, ensigne; Scarborough, Andrew Angur leif<sup>t</sup>; for Falmouth, George Ingerfeild leif<sup>t</sup>ant; ffor Kittery, Charls Frost cap<sup>t</sup>, Roger Plaisted leiften<sup>t</sup>, John Gattinsley ensigne; ffor Sacoe, Brian Pendleton major, & he to setle Blackpoint. Mr Knight, of Wells, vpon the morning before wee came away, being Thirsday, 9<sup>th</sup> July, came & tooke his oath in Court to serve <sup>an</sup> associate. The Court made an order for a County Court to be held the 15<sup>th</sup> of September there at Yorke, & for that end continued the comission to Cap<sup>t</sup> Walderne & Cap<sup>t</sup> Pike, & others, for the better strengthing the authority vpon the place, as by their comission may appeare. The associates that are now in place are Major Pendleton, Mr Francis Neale, Mr Knight, of Wells, Mr Rajnes, of Yorke, Mr Roger Plaisted, of Kittery; w<sup>ch</sup> is humbly submitted to the honoured Generall Court as the retorne of yo<sup>r</sup> servants this 23 of October, 1668.

JN<sup>o</sup> LEUERET,  
EDWARD TYNG,  
RICHARD WALDERNE.

Comission to  
Cap<sup>t</sup> Waldern,  
Pike, Pendle-  
ton, &c, to  
keep a County  
Court at Yorke.

The comissioners of the colony of the Massachusetts, in New England, by authority of their comission, dated 20<sup>th</sup> May, 1668, from their right of jurisdiction by authority of the kings maj<sup>ty</sup> royall charter, to Cap<sup>t</sup> Richard Walderne, Cap<sup>t</sup> Robert Pike, Major Brian Pendleton, & Mr Elias Styleman.

Yow & euery of yow are hereby authorized w<sup>th</sup> magistratticall authority w<sup>th</sup>in the county of Yorke, in the colony of the Massachusetts, as well for the strengthening the hands of those associates chosen & sworne, or to be sworne, as also for keeping of Courts in the sajd county w<sup>th</sup> the associates, & especially to keepe a County Court in Yorke, being the shire toun of the sajd county, ordered to be held there the second Tuesday of September, being the 15<sup>th</sup> day of y<sup>e</sup> mō. Given vnder our hands, in Yorke, this 8<sup>th</sup> day of July, 1668: this to continue till the Generall Court take further order.

JN<sup>o</sup> LEUERET,  
EDW: TING.

Court sent. in  
May last ag<sup>t</sup>  
Annabapt<sup>ts</sup> to  
be printed.

Itt is ordered, that the sentence of this Court in May last past ag<sup>t</sup> the turbulent Annabaptists be sent to the presse by the secretary.

Itt is ordered, that the next County Court for Suffolke shall & hereby is adjourned to the 17<sup>th</sup> of November next, & all persons concerned are then to give their attendanc, according to their respective concernes.

1668.

23 October.

Boston County  
Courts ad-  
jourm<sup>t</sup>.Courts grant to  
Woronoake 6  
miles square,  
imunitjes from  
rates for 3  
yeares, &c.  
p<sup>a</sup> 658.

In ans<sup>r</sup> to the petition of Aron Cooke, in the name of the inhabitants of Woronoake, the Court judgeth it meete to make such an addition of land to the petitioners as may be to the contents of sixe miles square, so as they in-treuth not vpon any former grants to tounes or persons, and it is left to the towne of Springfield or whom they shall appoint for the management of this matter, & the furtherance of the worke for a touneship, till this Court shall take further order therein, provided a minister be settled there w<sup>th</sup>in two yeares ; and the Court hereby grants the sajd plantation three yeares imunitjes from rates to y<sup>e</sup> country.

The Court, having considered of the case now depending betweene Georg Rugles, plaintiff, ag<sup>t</sup> Cap<sup>t</sup> W<sup>m</sup> Davis, defendt, coming to this Court vpon the petition of the sajd Rugles, & on hearing of the evidences produced, & on pervsall of the lawes referring thereto, doe finde for the defendant the land in controuersy, & costs of Court, w<sup>th</sup> fīue pounds costs for the hearing of the case.

Rugles ag<sup>t</sup> Da-  
uis.

In the case of Robert Marshall, chardged at the Court of Asistants last for forgery, & found suspitiously guilty by the jury, coming to this Court by y<sup>e</sup> Magis<sup>ts</sup> refusing the virdict, the sajd Marshall appearing, on his petiçōn had liberty to make further pleas, & being convicted of making an addition, in writing, to a bill of debt of twenty eight pounds, signed by Jn<sup>o</sup> Poole, & pleading the same in Court to the abating his debt contrary to justice & equity, this Court doth sentenc him, the sajd Marshall, to pay a fine of tenn pounds in money, or to stand in the pillory one hour, & also to be disenabled to give his testimony in any Court of justice vtill this Court shall release him from his restreint therein.

Courts judgm<sup>t</sup>  
ag<sup>t</sup> Marshall ;  
fined 10<sup>li</sup>, &c.

\*Att the request of M<sup>r</sup> Thomas Broughton, pleading that he hath been long in prison by virtue of an execution taken out against him by Jn<sup>o</sup> Cheeckley, & that he hath not wherew<sup>th</sup> to satisfy the judgments of the Courts granted ag<sup>t</sup> him, this Court doe grant him the liberty of the lawe, that some cōmissioners may be impowred by this Court to take his oath as the law permits, & vpon the taking his oath, according to the sajd law, he shall be released from prison, & shall sattisfy by service, as the law directs ; and that Cap<sup>t</sup> Gookin & M<sup>r</sup> Danforth be the cōmissioners appointed to take the oath for that end.

[\*623.]  
Courts judgm<sup>t</sup>  
and M<sup>r</sup>  
Broughtons  
case.

I, Thomas Broughton, doe sweare, by the name of the living God, that I

His oath re-  
turned & en-  
tered.

1668.

23 October.

haue not disposed of or consealed in any kinde my estate, to the defrauding Mr John Cheekly of his debt, w<sup>ch</sup> he demandeth of me, & the benefit of the judgments of the Courts granted ag<sup>t</sup> me; & in testimony hereof I doe subscribe my name.

THOMAS BROUGHTON.

7 November.

Taken vpon oath, this seventh of the 9<sup>m</sup>, 1668, before vs,

DANIEL GOOKIN,

THO: DANFORTH.

Courts ans<sup>r</sup> to  
Tho. Whites  
petiçon.

In ans<sup>r</sup> to the petition of Thomas White, the Court judgeth it meete to grant the petitioner a hearing of his case, mentioned in his petiçon, on the Tuesday after the begining of the next Generall Court of Election, the said White entring sufficient caution for the trjall, & give the partjes concerned seasonable notice.

Ans<sup>r</sup> to Mathi-  
as Button.

In ans<sup>r</sup> to the petiçon of Mathias Button, complaining ag<sup>t</sup> John Godfrey, the Court judgeth it meete to referr the petiçoner to his course of lawe by action at the County Court of that shire, & is admitted, sub forma pauperis, to whos justice the case is referred.

Ans<sup>r</sup> to Mr  
Corlets peti-  
çon, 500 acres  
granted him.

In ans<sup>r</sup> to the petiçon of Mr Eljjah Corlet, the Court hauing considered of the petiçon, & being informed the petitioner to be very poore, & the country at present having many engagements to satisfy, judge meete to grant him five hundred acres of land where he can finde it, according to lawe.

Ans<sup>r</sup> to Jn<sup>s</sup>  
Websters peti-  
çon ab<sup>t</sup> his bill  
of charges.

In ans<sup>r</sup> to the petiçon of John Webster, constable of Newbery, humbly craving that his bill of charge, expended on hue en cry<sup>s</sup>, &c, amounting to thirty six shillings, might be allowed him, the Court judgeth it meete to referr the bill to the Tresurer of the country, to examine & allow what he sees & finds to be just.

Persons im-  
powrd w<sup>th</sup> ma-  
gistratticall  
authority in  
Yorkshire.

The Court, considering how much it concernes them for the due carrying an end this governm<sup>t</sup>, lately settled in Yorkshire, so as the lawes of this jurisdiction be duely executed amongst them, & the people religiously gouerned for the strengthenīg therefore the hands of those that are there already in place, judg meete to appoint & authorize Major Brjan Pendleton, Cap<sup>t</sup> Richard Walderne, Mr John Cutts, Mr Elias Styleman, & Cap<sup>t</sup> Charls Frost, & euery of them, impouring them w<sup>th</sup> magistratticall power out of Court times to act as any magistrate may doe, & to keep Courts there w<sup>th</sup> the associats.

Ans<sup>r</sup> to Mr  
Jn<sup>s</sup> Higginsons  
petiçon for ex-  
change of 4 or  
500 acres of vp-  
land.

In answer to the petition of Mr John Higginson, humbly desiring the favour of this Court for the exchange of fower or five hundred acres of the vpland of his farme on the south side of his meadow, for so much of the

countrys vpland in the wilderness, the Court judgeth it meete to grant his request, as to the taking in the fower or five hundred acres of vpland on the south side of his meadow, he laying doune to the countrys vse as much for quantity of the vpland on the north side of his meadow; & that Henry Palmer, Joseph Davis, of Hauerill, & Nathan Parker, of Andover, as a comitte from this Court, lay it out accordingly, & see so much left out of his farme as is expressed.

1668.

7 November.

Vpon the motion of Cap<sup>t</sup> Thomas Clarke, the Court doeth order & appoint Left Peter Coffyn, of Dover, & Ralph Hall, of Exeter, to lay out the land granted formerly to Major Willjam Hathorne, according to grant, & to make returne thereof to the next Court of Election.

Order to lay out Major Hawthorns land to Cap<sup>t</sup> Tho. Clarke.

The answer of the toune of Salem to the Courts former order is, that wee doe not see cause to consent further. Wee say, that if our brethren & neighbors of Basse Riuer side desire to be a touneship by themselves, & are content w<sup>th</sup> the lands already set out to them, wee consent to that.

Salems concession to Basse Riuer.

EDMOND BATTER, p order of y<sup>e</sup> toune.

The Court, on pervsall of this returne, judge it meete to grant that Basse Riuer be henceforth a touneship of themselves, referring it to Salem to accomodate them w<sup>th</sup> lands & bounds suitably for them, & that it be called Beverly.

Courts allowing y<sup>e</sup>m to be a toune called Beverly.

In ans<sup>r</sup> to the petition of Francis Hudson, the Court judgeth it meete to grant the petitioner three hundred acres of land in any place where he can finde it, according to lawe.

Ans<sup>r</sup> to Fr. Hudson petition, 300 acres gr<sup>ed</sup>.

Laid out p<sup>a</sup> 681.

The Court, vnderstanding that Cap<sup>t</sup> John Alljn hath seuerall times been employed by order ffrom this Court, viz<sup>t</sup>, tenn dayes, to looke after a French ship vpon the coast, as also a voyage to Mounsieur De Aulnay, both himself & ship, for the space of neere twenty dayes, besides a second voyage to the aforesaid DAulnay, wherein he was absent sixe weekes, to w<sup>ch</sup> may be added, his lending M<sup>r</sup> Winslow, for the countrys vse, one hundred pounds in England, w<sup>ch</sup> was not paid in seven yeares after, & then but in country pay; all w<sup>ch</sup> considered, the Court judgeth it meete, as a manifestation of their acceptance of such his good services, which hitherto hath not been tooke notice of, so as to render him any answerable recompence, to grant him a thousand acres of land where he can finde it, according to law, so as he take it not vp in aboute two places.

Courts acknowledged<sup>st</sup> of Cap<sup>t</sup> Allins service & grant of a 1000 acres of land to him.

\*Whereas Sarah Ahaton, an Indian squa, is now in prison for adultery,

[\*624.]

1668.

7 November.  
Courts judgm<sup>t</sup>  
& censure ag<sup>t</sup>  
Sarah Ahaton.

& there being seuerall considerations about it, wherein much difficulty appeares, it is ordered, that this case be heard by the Generall Court on 27 instant October, at one of y<sup>e</sup> clocke. The Court at y<sup>e</sup> time sent for the sajd Sarah Ahaton out of prison, & being at the barr, & hearing what was produced ag<sup>t</sup> her, vpon the question relating to the said Sarah Ahatons confession of comitting adultery w<sup>th</sup> Joseph, an Indian, whither on what hath been heard, as the case is circumstanc<sup>d</sup>, she should be put to death, it was resolued on the negative; and it is further ordered, that the sajd Sarah Ahaton shall, on the 29<sup>th</sup> instant, stand on the gallowes after the lecture in Boston, w<sup>th</sup> a roape about hir necke one hower, & that then the marshall generall shall cause her to be tooke doune & returned to prison, & comitted to the Indian constable of Naticke, who, on a publick day, by order from Cap<sup>t</sup> Gookin, shall severely whip hir, not exceeding thirty stripes, & y<sup>t</sup> she pay all charges for the prosecution, to be allowed by Cap<sup>t</sup> Gookin, (hir whiping to be deferred till after the time of hir deliuey, if she be w<sup>th</sup> child, as is reported.)

Jn<sup>o</sup> Greene, &c,  
Symon Cros-  
bee, & Tho.  
Day freemen.

Jn<sup>o</sup> Green & W<sup>m</sup> Greene, of Maulden, Symon Crosbee, of Billirrikey, & Thomas Day, of Springfield, all members, & in full comuion w<sup>th</sup> those churches, are admitted & allowed to the freedome of this comonwealth.

Courts ans<sup>r</sup> to  
Mr Jn<sup>o</sup> Little-  
bury petiçon.

In ans<sup>r</sup> to the petition of M<sup>r</sup> John Littlebury, itt is ordered that Majo<sup>r</sup> Generall Jn<sup>o</sup> Leueret, M<sup>r</sup> Edward Tyng, & Cap<sup>t</sup> W<sup>m</sup> DAVIS be a comittee to inquire into the true state of the case referring to the petiçoners interest in any land mentioned, who are to informe the next Court of Election thereof.

Ans<sup>r</sup> to y<sup>e</sup> pe-  
tiçon<sup>s</sup> of y<sup>e</sup>  
west side of  
Hadley.

In ans<sup>r</sup> to the petiçoners on the west side of the riuer at Hadley, the Court judgeth it meete that they be allowed to procure an able minister to settle w<sup>th</sup> them on their side of the riuer, for whose maintenance they are carefully & comfortably to provide, and shall be freed from the maintenance of the minister on the east side, vnless the inhabitants on the east side of the riuer & they shall agree together for the maintenance & allowance of both jointly; provided that the inhabitants of the west side shall not rate any of the estates or lands of the inhabitants of y<sup>e</sup> east side lying on the west side of the riuer, towards the maintenance of their ministry.

Comittees re-  
turne ab<sup>t</sup> Qua-  
sigamand.

The comittees returne about a new plantation neere Quansigamond Ponds.

Boston, 20 Octob<sup>r</sup>, 1668.

Wee haue, according to the Court order, bearing date 15<sup>th</sup> May, 1667, vejewed the place therein mentioned, & finde it to lye about twelue miles westward from Marlborough, neare the road to Springfield, & that it conteynes a tract of very good chesnut tree land, a large quantity; but the meadow wee

finde not so much, because a very considerable quantity of meadow & vpland, about five thousand acres, is lajd out vnto particcular persons, and confirmed by this Court, (as wee are informed,) w<sup>ch</sup> falls w<sup>th</sup>in this tract of land, viz<sup>t</sup>: to Ensigne Noyse, deceased, & his brethren, three thousand two hundred acres; vnto the church of Malden, one thousand acres; vnto others, five hundred acres, bought of Ensigne Noyse; but all this notw<sup>th</sup>standing, wee conceive there may be enough medow for a small plantation or toune of about thirty familjes, & if those farmes be annexed to it, it may suply about sixty familjes; therefore wee conceive it expedient that the honnoured Court will be pleased to reserve it for a toune, being conveniently scittuated, & well watrd w<sup>th</sup> ponds & brookes, & lying neere midway betweene Boston & Springfield, about one days journey from either, & for the setling thereof we do offer vnto the Court that w<sup>ch</sup> ffolowes:—

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1. That there be a meete proportion of land granted & lajd out for a toune in the best forme the place will beare, about the contents of eight mile square. Courts order ab<sup>t</sup> y<sup>e</sup> plantation there, &c.

2. That a prudent & able co<sup>m</sup>ittee be appointed & impowred to lay jt out, to admitt inhabitants, & order the affaires of this place in forming the toune & granting lotts, & directing and ordering all matters of prudentiall nature, vntil the place be settled w<sup>th</sup> a sufficient number of inhabitants & persons of discretion, able to order the affaires thereof in y<sup>e</sup> judgment of y<sup>e</sup> Court.

3. That due care be taken by the sajd co<sup>m</sup>ittee that a good minister of Gods word be placed there as soone as may be, that such people as may there be planted may not liue like lambs in a large place.

4. That there be two or three hundred acres of land, w<sup>th</sup> a proportion of meadow, in some convenient place, at the discretion of the co<sup>m</sup>ittee, reserved & lajd out for the co<sup>m</sup>onwealth, & the co<sup>m</sup>ittee to haue power & liberty to setle inhabitants therevpon for liues, or tjmes, vpon a smale rent, to be pajd after the first seven yeares.

The Court approues of this returne, and & doe order & appoint Cap<sup>t</sup> Dan<sup>i</sup> Gookin, Cap<sup>t</sup> Th<sup>o</sup> Prentice, M<sup>r</sup> Daniel Hinckman, & Leiften<sup>nt</sup> Beare, or any three of them, to be a co<sup>m</sup>ittee, whereof Cap<sup>t</sup> Daniel Gookin to be one, as is desired & returned. Co<sup>m</sup>ittee to carry on Quantigamond, Cap<sup>t</sup> Gookin, &c.

[\*625.]

Order raysing customs on goods imported, &c, on goods, catle, corne, &c.

\*This Court, being sencible of the great necessity to regulate the way of raysing moneys for the defraying of the publick chardges of the co<sup>m</sup>onwealth, experience, from tjme to tjme, making it to appeare that the concernes of the

1668. publicke doe require supplies of moneys out of their treasury, when, as by  
 7 November. reason of the great poverty thereof, & the vnsuiteablenes of the specie therein  
 to answer the emergencjes that doe often happen, the streights of this Court  
 are many & inextricable, & the publique weale in a suffering condiçon, doe  
 therefore order, & hereby enact, that there shall, from after the first of March  
 next coming, be a custome imposed on all goods & merchandizes, in manner  
 following, i. e., vpon all goods, provissions, & merchandizes imported into  
 this jurisdiction, two p cent, money, plate, bulljon, gunpouder, & salt ex-  
 cepted, & wine, licquors, &c, vpon w<sup>th</sup> there is a custome already set, to be  
 likewise exempted, during the time for w<sup>th</sup> they are already farmed, by order  
 of this Court.

And for catle & corne imported into this jurisdiction, the allowance for  
 the same shall be as followeth, viz<sup>t</sup>: horses, mares, & neate catle, of what age  
 soeuer, five shillings a peece; wheate, & all other graine, three pence for  
 euery bushell; provided alwajes, all forreigne goods & merchandizes ex-  
 ported, vpon cirtifficat that custome was pajd for the importation thereof, they  
 shall be repajd the one halfe againe of what they pajd, & be freed from any  
 further custome for the exportaçon thereof, & all goods & merchandizes that  
 doe pay custome shall be rate free in the public assessments of the country,  
 any lawe, custome, or vsage to the contrary notw<sup>th</sup>standing.

6: 9: 68.  
 This order to  
 take effect, &c,  
 March next.

Resolved, vpon the quæstion, that the order of this Court referring to  
 customes shall be prosecuted to effect w<sup>th</sup>out any vnecessary demurr; and itt  
 is ordered, that there shall be an abatement of one p cent of goods imported,  
 two shillings sixe pence on great catle imported, & one penny p bushell of  
 corne imported, & this on condiçon that there shall be no repayment made  
 when the sajd goods are againe exported.

Co<sup>m</sup>ittee to  
 present to y<sup>e</sup>  
 council.

And for the effecting of what is to be donne for the executing the order  
 passed as aboue sajd, this Court doe order & appoint Cap<sup>t</sup> Daniel Gookin, M<sup>r</sup>  
 Thomas Danforth, Majo<sup>r</sup> Ge<sup>n</sup> Leueret, Cap<sup>t</sup> W<sup>m</sup> Daus, Cap<sup>t</sup> Jn<sup>o</sup> Allin, &  
 Cap<sup>t</sup> Foster, or any three of them, co<sup>m</sup>issioners to bring it to effect, provided  
 what they doe be allowed by the council at the next Court of Asistants, who  
 are impowred to doe any thing that may be further requisite for the regu-  
 lating thereof, vntil the next Generall Court.

Abra. Drakes  
 Marsh. Hamp-  
 ton request.

The humble request of Abraham Drake, of Hampton, marshall, for advice  
 from Gen<sup>l</sup>l Court or honnoured Magis<sup>ts</sup> now assembled at Boston, how I may  
 safely act in the execution of my office, referring to the case following:  
 Hauing received an execution, vnder the hand of the clarke of Hampton  
 Court, which execution & originall writt is here annexed, the defendant, w<sup>th</sup>

his abetto<sup>rs</sup>, still hold possession, & vpon demand, after judgment given for the plaintiffe, refuseth to surrender. I finde it a case rarely in vse, & so difficult to me; wherefore, according to the direction amongst the precedents, as in the marshalls oath, I craue advise of this honoured Court, whether, in case the defendant or abetto<sup>rs</sup> refuse, vpon demand being first made by me, I ought not by force to dispossess them, & give possession to the plaintiffe, that is, of the house & milne, w<sup>th</sup> appurtenances, viz<sup>t</sup>, whatsoeuer belongs to the sajd ffarme. That I may more fully be vnderstood by abetto<sup>rs</sup>, I intend Robt Wadleigh, of whom the defendt holds, (who, w<sup>th</sup> the defendt, haue carrijed on the worke & milae vpon the plaintiffs ffarme,) their workmen, or any else holding by the same refuted title.

1668.

7 November.

ABRAHAM DRAKE, Marshalle.

In answer to the question propounded to this Court by y<sup>e</sup> marshall of Hampton, as the question is propounded to vs, the answer of this Court is in the affirmative. Courts resolute of y<sup>e</sup> marshalls question.

The marshall may take notice, that it behooveth him in such cases to carry the matter fairely by making knoune to the persons concerned the end of his coming, & first to demand free & peaceable possession.

Then, if he be denjed or meet w<sup>th</sup> opposition in the execution of his office, it is in his power to require sufficient ayde to accomplish his worke; ffor after the judgment (w<sup>th</sup>out appeals) execution doeth follow in course; else it were in vajne to any man to sue for his right, the law being still open for the contrary party to become plaintiff, if he see cause so to doc.

The Court resolves this question in the affirmative.

It is ordered, y<sup>t</sup> y<sup>e</sup> bill of the late M<sup>r</sup> Jn<sup>o</sup> Endecott, amounting to three pounds five shillings, for curing of one Jn<sup>o</sup> Clarke, is referred to the Treasurer, who, on conferenc w<sup>th</sup> some phisition, may allow him what he sees meete. 3<sup>u</sup> 5<sup>s</sup>.  
M<sup>r</sup> Endecots  
bill refer<sup>d</sup> to y<sup>e</sup>  
Tresur<sup>r</sup>.

\*The returne of the comission of the honored Generall Court, bearing date Aprill, 1668, for the lajing out two hundred & fifty acres of ground granted to M<sup>r</sup> Samuel Symonds, by vs, whose names are vnderwritten, is as followeth, viz<sup>t</sup>: — [\*626.]  
M<sup>r</sup> Symonds  
250 acres lajd  
out.

There being meadow ground greatly wanting for the vse of y<sup>e</sup> saw miles at Lamperell Rywer, wee endeavo<sup>ed</sup>, according to the end of the grant obteyned, to finde out the same vp in the country, & in or neare Exitur bounds; & wee haue found & lajd out such lowe grounds as, w<sup>th</sup> great labor & cost in

1668. time (at least much of it) may make meadows, swamp, or mowing grounds, & thus wee describe it to be knowne: —

7 November.

Wee haue lajd out, of meadow, swamp, & low ground, one hundred acres, w<sup>ch</sup> ljet h vp in the country, from Lamperill Riuer mill falls about north & by west, that is to say, all the meadow & low ground lying on both sides of a certeine brooke coming out of the country, w<sup>ch</sup> brooke wee describe, & is to be knowe by a very great fall w<sup>ch</sup> is in the same, about w<sup>ch</sup> falls is y<sup>e</sup> greater part of the aforesajd land. The same brooke is continued vntill it comes neere to y<sup>e</sup> corner of a pond, w<sup>ch</sup> wee call Triangle Pond, where it receives & is vnited w<sup>th</sup> another brooke coming out of the same pond, at w<sup>ch</sup> place is the begiñg of the other parcell of the aforesajd hundred acres, hauing this brooke running through it. This brooke runs into Lamperele Riuer. That this land might be the better knowne, wee marked a tree nere the ffoote of a hill w<sup>ch</sup> wee call Randevow Hill, w<sup>th</sup> two S S, & about the sajd land diuers other trees w<sup>th</sup> plajne marks.

The other parcells lajd out lye more westerly, in or neare Exiter bounds, at or about a place called by the Indians Watchock, as followeth, viz<sup>t</sup>: —

Twenty acres of of ground, which, w<sup>th</sup> cost enough, may make mowing ground, & is about fife miles from M<sup>r</sup> Symonds his falls at Lamperele Riuer, lying in length west & by south, & north & by east, hauing a tree marked at the westerly end, & about the middle of the meadow a tree marked on the south side of the meadow, & another on the north side. The next parcell conteynīg about fifty acres, w<sup>th</sup> all the corners & nookes, being very brushy, & bushy ground lying in length south & by west, north & by east, being about a mile from the last mentioned meadow northerly, marked on the south side vpon a great red oake tree, on the north side marked vpon a white oake tree, w<sup>th</sup> two letters, S S, & diuers other trees marked about it. Nextly. Sixty acres of land joynīg to the farme formerly granted to M<sup>r</sup> Symonds, lying w<sup>th</sup>in or vpon Exitur bounds, according as he had right & liberty from the Generall Court. As for the residue, which is tuenty acres, M<sup>r</sup> Symonds desired vs to lay out a piece of meadowy ground, of like quantity, which is vpon the skirts of his farme, for more certenty, fearing least, vpon strict measure, it should be w<sup>th</sup>out the bounds of his farme, notw<sup>th</sup>standing one of us, w<sup>th</sup> some others present when his farme at Lamperele Riuer was layd out to him long since, cann testify that he then tooke possession of the same to belong to the sajd farme. The y<sup>h</sup>oll quantity of two hundred & fifty acres being thus layd out, wee gaue possession of part in name of the whole to his sonne, Samuel Sy-

monds, Juñ, as agent in this buisnes, in his fathers behalfe, who went w<sup>th</sup> us from place to place. In witnes whereof wee subscribe our names.

August 15, 1668.

DANIEL EPPS,

ROB<sup>t</sup> LORD, Juñ.

1668.

7 November.

The Court allowes & approves of y<sup>e</sup> returne.

In ans<sup>r</sup> to the petition of seuerall inhabitants of Boston & Charls Toune, humbly desiring the Courts favour to Thō Gold, W<sup>m</sup> Turner, & Jn<sup>o</sup> Farneham, &c, as in petiçōn w<sup>ch</sup> is on file appeares, the Court, hauing considered & perused y<sup>e</sup> petiçōn, doe finde many reproachfull expressions against the Court & their proceedings w<sup>ch</sup> are not true, and hauing charity towards many of y<sup>e</sup> petiçōners, that haue been mislead by some others comiserating the restrcint of the persons, not knowing, or at least not duely considering, the righteousnes & necessity of the Courts proceeding as they did, all which is euident in the reccords of this Court, doe order, that Cap<sup>t</sup> Edw<sup>h</sup> Hutchinson, Cap<sup>t</sup> James Olliuer, Richard Way, Thō Grubb, W<sup>m</sup> Howard, Randal Nicholls, Solomon Phipps, & James Cary be sent for to appeare before this Court on 22 instant, to answer what shall be objected ag<sup>t</sup> them referring thereto. Warrants issued out accordingly. & Cap<sup>t</sup> James Olliuer, Randall Nicholls, Rich Way, Benj: Negus, W<sup>m</sup> Howard, & Solomon Phips, & Thō Grubb, &c, appeared, & on their hearing of the petiçōn, in open Geñ Court, they presented a petiçōn, vnder their hands, expressing their sorrow for giving the Court such just ground of offenc, w<sup>ch</sup> y<sup>e</sup> Court accepted of; & it then appearing to y<sup>e</sup> Court that Benjamin Suitzer & Joshua Atwater were y<sup>e</sup> cheife promoters of the said petiçōn, & had gonne from house to house to get hands to it, the Court sent for them; they appearing, the Court hauing heard what they had to say for themselues, they refusing to discouer the first contriuer thereof, finding them to haue been very active in promoting so scandalous & reproachfull a petiçōn, of w<sup>ch</sup> they were fully convict, judge meet to beare testimony ag<sup>t</sup> their proceedings, & doe censure the said Benjamin Switzer to be admonished, & pay the sume of tenn pounds as a fine, and that Joshua Atwater be alike admonished, & pay as a fine y<sup>e</sup> sume of five pounds for his offence.

Many inhabit-  
ants of Boston  
& Charls  
Toune scanda-  
lous petiçōn in  
favo<sup>r</sup> of y<sup>e</sup> An-  
nabaptists.

Seuerall sent  
sent for.

Their acknowl-  
edgm<sup>t</sup>.

Y<sup>e</sup> 2 principall  
actiue prome-  
ters, Benj.  
Suitzer, 10<sup>th</sup>, &  
Josh. Atwater  
5, & admon-  
ished.

\*In ans<sup>r</sup> to the petiçōn of Georg Carr, the Court, on pervsall of the same, together w<sup>th</sup> seuerall Court orders referring thereunto, & also such allegations as the petiçōner presents of what charge he hath been at in erectīg of a bridge; vnderstanding, also, that the said petiçōner hath convenient accomodation of land at or neere the place where the new ferry is to be kept, the Court judgeth it meete to advise the Court of that county, to whom it was referred, that, in regard it is not disposed of for longer then one yeare, that

[\*627.]

Left.  
Courts judgm<sup>t</sup>  
& ans<sup>r</sup> to  
George Carrs  
request.

1668.

7 November.

Ans<sup>r</sup> to Jn<sup>o</sup>  
Farnhams  
peti<sup>o</sup>n.

the said fferry may be vpon the said Carr, he keeping of it vpon as æqually termes as any other will doe.

In ans<sup>r</sup> to the peti<sup>o</sup>n of Jn<sup>o</sup> Farnam, Señ, the Court judgeth it meete to grant him his liberty from prison at present, vpon the promise he hath made to attend duly vpon the publick ordinances of God, in the solemne assembljes allowed by the lawes of this jurisdiction, euery Lords day twice, except the prouidence of God some way disable or hinder him, provided always that the said Farnam doe refreine himself from disorderly meetings, set vp contrary to law; and if the said Farnham be prooved guilty of that offenc, the former sentenc of banishment & imprisonment shall remaine in force ag<sup>t</sup> him.

Compt<sup>s</sup> ag<sup>t</sup>  
Cap<sup>t</sup> Waldern  
& Lef<sup>t</sup> Peter  
Coffin for sel-  
ling strong  
licquors.

Warrant &  
comi<sup>s</sup>sion  
granted to En-  
sign Hincks-  
man to search  
after it & make  
returne to  
Court Asist-  
ants.

Returne made  
& referd to y<sup>e</sup>  
Court.

Compt<sup>t</sup> being made to y<sup>e</sup> Gouverno<sup>r</sup> & Cap<sup>t</sup> Gookin y<sup>t</sup> in or about June last one Thō Dickenson, an English man, was slajne at y<sup>e</sup> trucking house of Cap<sup>t</sup> Richard Walderne, at Pennicooke, by an Indian, in his drunken fit, occasioned by strong licquors, the Gou<sup>r</sup>no<sup>r</sup> & Cap<sup>t</sup> Gookin issued out a warrant & order to Thomas Hincksman, of Chelmsford, impowering him, w<sup>th</sup> meete assistance, to repaire to y<sup>e</sup> place, & on his inquiry & search there, to make his returne to y<sup>e</sup> Court of Asistants of what he found, who, hauing made his returne to the said Court, in w<sup>ch</sup> returne of his is conteyned the examinations of seuerall sagamores & other Indians, on y<sup>e</sup> place, who accused & testified ag<sup>t</sup> Cap<sup>t</sup> Rich Walderne, Lef<sup>t</sup> Peter Coffin, w<sup>th</sup> Paul Waldern, for selling & deliuering seuerall runlets of strong licquors to Thō Payne & y<sup>e</sup> sd Dickinson, to be conveyed to them by the Indians, by them sent for it, &c, as therein more amply appears. The Court of Asistants reffer<sup>ing</sup> the case to y<sup>e</sup> Geñ Court, who, on p<sup>er</sup>vsall thereof, finding y<sup>e</sup> life of a subject therein declared to be lost, & y<sup>t</sup> by the breach of the lawes in a high nature, w<sup>ch</sup> no Court hath the propp<sup>r</sup> cognizance thereof, by reason of the places remoatnes, & y<sup>t</sup> a member of the House of Deputjes is concerned therein, judge it meet to order a hearing of the case by this Court at this sessions, & y<sup>t</sup> the secretary issue forth warrants for all persons concerned to appeare before this Court on 27<sup>th</sup> instant. Warrants issued out accordingly to Chelmsford, Penecooke, Douer, Chochecho, &c, to sum<sup>o</sup>n the partjes concerned, & euidences in the case. Cap<sup>t</sup> Rich Waldern appeared, & Lef<sup>t</sup> Peter Coffin, as p<sup>ar</sup>ties concerned, & accused Thomas Hincksman, w<sup>th</sup> se<sup>u</sup>l<sup>l</sup> y<sup>t</sup> joyned w<sup>th</sup> him in his returne, w<sup>th</sup> se<sup>u</sup>l<sup>l</sup>al Indians y<sup>t</sup> had given their testimony; the said Thō Pajne being gonn out of the jurisdiction before notice could reach him. After the Court had heard what Cap<sup>t</sup> Walderne could say for himself, & Lef<sup>t</sup> Coffin for himself, they denying to haue any hand in selling or deliuering any strong licquors to the Indians, directly or indirectly, notw<sup>th</sup>standing what the Indians testified in open Court before them, the Court declared it lay on them, the

Order for &  
warr<sup>s</sup> issued  
out.

Partjes ap-  
peared, &c.

sajd Cap<sup>t</sup> Walderne & Left<sup>t</sup> Coffin, according to law, to cleare themselves by their oathes. The saj<sup>d</sup> Peter Coffin, desiring to be excused from taking his oath, chose to leaue himself to the mercy of the Court, acknouledging y<sup>t</sup> y<sup>e</sup> saj<sup>d</sup> Paine had licquors of him, &c. The Court, on perversall of what he presented, doe find that the saj<sup>d</sup> Coffyn hath traded licquors irregularly, & contrary to law, & doe therefore sentence him to pay, as a fine to the country, the sūme of fifty pounds, & all chardges w<sup>ch</sup> the Court determined to be for costs of y<sup>e</sup> wittnesses, & other expences layd out in pcur<sup>ing</sup> the Indians, to be sixteen pounds tenn shillings, to be p<sup>d</sup> to Thō Hincksman.

1668.

7 November.  
Left Coffin fin<sup>d</sup>  
50<sup>li</sup> & costs, &c  
16<sup>li</sup> 10<sup>s</sup>.

And for Cap<sup>t</sup> Waldern, he declard himself ready to cleare himself by his oath, w<sup>ch</sup> was: Whereas I, Richard Walderne, am accused by sundry Indians about Pennjcooke of the breach of the lawe prohibiting sale of licquors to Indians some time this last sommer, I doe heereby sweare, & take God, who is the Searcher of all hearts, to witness that this thir accusation is wholly vntrue, & that I haue not, directly or indirectly, by myselfe, or by any other person by my order or allowance, in any measure or degre done what they accuse me of; & this I doe affirme to be the very trueth, as I shall answer before y<sup>e</sup> judgment seate of Christ another day. Taken vpon oath in open Court, 31 October, 1668, wherevpon he was freed from any charge exhibited against him, & dischargd. Paul Waldern also appeard, & clered himself: I, Paul Walderne, being accused by seuerall Indians to haue deliuered strong licquors to Indian or Indians since this last spring, out of my ffathers cellar, doe hereby sweare by the great name of the euerliving God, that I haue not deliuered out of my fathers cellar, nor out of any other places, any strong licquors to any Indian or Indians of Pennicooke, since the begin<sup>ing</sup> of this last spring to the twelfth of August last, directly or indirectly; & this I affirme to be y<sup>e</sup> very trueth, or I shall answer it before y<sup>e</sup> judgment seat of Christ another day. Sworn in Court 7 Novemb<sup>r</sup>, 1668.

Cap<sup>t</sup> Waldern  
clered by his  
solemne oath,  
&c.

31 October.  
& discharged.

Paul Waldern  
cleered by his  
oath & dis-  
chargd.

7 November.

\*It is ordered, that the price of corne for this yeare ens[u]ing be as was agreed by the whole Court the last yeare.

[\*628.]

Price of corne.

It is ordered, that the Tresurer send forth his warrants for one halfe rate of a single rate.

Half a country  
rate.

The Court, considering of Cap<sup>t</sup> Rob<sup>t</sup> Pike as a com<sup>missioner</sup> for the county of Norfolke, & otheruise serviceable to the country, judge meete to ffree him from country rates & county rates for this yeare past, till this Court take further order.

Cap<sup>t</sup> Pikes ex-  
emption from  
rates.

Whereas, wee, vnder written, were appointed & impowred by the honor<sup>ble</sup> Generall Court, assembled at Boston, October the ninth, 1667, to take the

Colonyes seale.  
Richard Bel-  
lingham, Go.

1668. count of the wor<sup>th</sup> Richard Russell, Esq<sup>r</sup>, Tresurer of this colony of the  
 7 November. Massachusetts, and by the order of the Generall Court sitting in Boston on the  
 7<sup>th</sup> of November, 1668, appointed & fully impowred to issue his sajd account  
 for the yeare 1667, & on one sigñing thereof, to give the sajd Richard Russell  
 an acquittance accordingly for the full discharging of him, his executo<sup>r</sup>s & ad-  
 ministrato<sup>r</sup>s, for the whole time & terme of his officiating in that place; & for  
 the confirmation thereof, the hono<sup>r</sup>ble Governo<sup>r</sup> of this colony is ordered to  
 signe the same, & also affixe the seal of this colony thereto, in the behalf of  
 the honou<sup>r</sup>ble Gen Court.

Tresurers dis-  
 chardg., &c.

30 November. Now know yee, that wee, Hopestill Foster, Anthony Stoddard, & Hum-  
 phry Davy, comissioners, impowred as aboue is expressed, hauing duely  
 examined, perused, & adjusted the accounts of the aboue named Richard Rus-  
 sell, finde the country to rest debto<sup>r</sup> to ballance two hundred & fueteen  
 pounds twelve shillings & tenn pence, credit being given in his accompts to  
 the country for all rates due to be received for the yeare 1667, & for all fines,  
 mulcts, & dues payable to the country before the last Generall Court, (the im-  
 posts imposed, & by order the Generall Court in May last lett out, not being  
 one way or other here intended to be medled with,) by the authority comitted  
 to vs as is aboue expressed by the Generall Court, doe ffully, clearely, & ab-  
 solutely acquitt, exonnorate, & for euer discharge the said Richard Russell,  
 Tresurer aforesajd, his heires, execcuto<sup>r</sup>s, & administrato<sup>r</sup>s of & from all dues,  
 rates, fines, debts, & demands whatsoever by him receiued from the first be-  
 gining of his trust as Tresurer of this colony to all intents & purposes to the  
 first day of August last. In wittnes whereof wee haue hereunto sett our  
 hands this thirtieth day of November, 1668.

HOPESTILL FOSTER,  
 ANTHONY STODDARD,  
 HUMPHRY DAVY.

& is thus entred, word for word, agreeing w<sup>th</sup> the originall, at the request  
 of the Tresurer.

[Pages \*629—634 are in another hand.]

*\*Att a Generall Court of Election, held at Boston, 19<sup>th</sup> of May, 1669.* 1669.

**R**ICHARD BELLINGHAM, Esq<sup>r</sup>, was chosen Governo<sup>r</sup> for this yeare,  
& till new be chosen, & sworne, & tooke his oath in open Court.

19 May.

[\*629.]

Francis Willoughby, Esq<sup>r</sup>, was chosen Deputy Gove<sup>r</sup>, took his oath in  
Boston, before y<sup>e</sup> Go<sup>v</sup>, M<sup>r</sup> Russell, M<sup>r</sup> Tresurer, &c, 26 August, 1669.

Symon Broadstreet, Esq<sup>r</sup>, and Commissio<sup>r</sup> for y<sup>e</sup> collō,Samuell Symonds, Esq<sup>r</sup>,Daniel Gookin, Esq<sup>r</sup>,Daniel Denison, Esq<sup>r</sup>,Symon Willard, Esq<sup>r</sup>,Rich Russell, Esq<sup>r</sup>, & Treasurer,Thomas Danforth, Esq<sup>r</sup>, & first Commission<sup>r</sup> for the collō,W<sup>m</sup> Hathorne, Esq<sup>r</sup>, 2<sup>d</sup> Commission<sup>r</sup> in reserue,Eliazer Lusher, Esq<sup>r</sup>,John Leueret, Esq<sup>r</sup>, & 1<sup>st</sup> Commission<sup>r</sup> for the collō, &John Pinchon, Esq<sup>r</sup>,

[Major Generall,

Edward Tyng, Esq<sup>r</sup>, & tooke their oath<sup>s</sup> in open Court,

Edward Rawson was chosen Secretary.

were chosen  
Assist.

The names of the deputies chosen & sent by the seuerall townes to serue  
at this Court were, —

Cap<sup>t</sup> George Corwin, M<sup>r</sup> Heñ Bartholomew, Salem.Cap<sup>t</sup> John Allen, M<sup>r</sup> William Stilson, Charls Towne.Cap<sup>t</sup> Hopedil Foster, M<sup>r</sup> William Sumner, Dorchester.Cap<sup>t</sup> Thomas Clarke, M<sup>r</sup> Anthony Stoddard, Boston.M<sup>r</sup> William Parke, Roxbury.Leif<sup>t</sup> Rich Beers, M<sup>r</sup> Sañ Thatcher, Water Towne.M<sup>r</sup> Edw Collins, M<sup>r</sup> Edward Oakes, Cambride.Leif<sup>t</sup> Olliuer Purchas, Lynn.Cap<sup>t</sup> John Appelton, Leif<sup>t</sup> Sañ Appleton, Ipswich.M<sup>r</sup> Joseph Hills, Newbery.Leif<sup>t</sup> Jn<sup>o</sup> Holbrooke, Weighmouth.Cap<sup>t</sup> Joshua Hubbert, Hingham.Cap<sup>t</sup> Timō Whęeler, Concord.M<sup>r</sup> Peter Woodwine; 2 ses<sup>s</sup>, Ensigne Dañ Fisher, Serg<sup>t</sup> William Auery,

1 s, Dedham.

M<sup>r</sup> George Coulton, Springfeild.

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Mr Sam Dalton, Mr Josh Gilman, Hampton.

Mr Rich Swan, Rowley.

Mr Tho Faxon, Braintry.

Cap<sup>t</sup> Rich Walderne, Douer.Cap<sup>t</sup> Rich Cutts, Portsmouth.Cap<sup>t</sup> Edw Johnson, Wooborne.Cap<sup>t</sup> Geo Barber, Meadfeild.Cap<sup>t</sup> Rich Saltonstall, Hauerell.Cap<sup>t</sup> John Wayte, Malden.Leif<sup>t</sup> W<sup>m</sup> Clarke, Northamptō.Mr W<sup>m</sup> Holton, Mr John White, Hadley.

Mr John Fisk, Wenham.

Leif<sup>t</sup> John Osgood, Andeuer.Leif<sup>t</sup> John Smith, Redding.

Mr Robt Tucker, Milton.

Mr John Haynes, Sudbury.

Mr Hum Daie, Billerica.

Mr Peter Ware, Yorke.

Cap<sup>t</sup> Charles Frost, Kittery.

Mr Rich Collicot, Falmoth.

Cap<sup>t</sup> Thomas Clarke was chosen Speaker for this session.

[\*630.]

Order to rate  
all goods &  
prouissions im-  
ported into this  
jurisdiction.

\*This Court, taking notice of sundry complaints of much inequality in the p<sup>r</sup>sent way of raying moneys to defray publique charges, doe therefore order, and by the authority of this Court bee it ordered & enacted, —

1. That all goods, wares, merchandizes, & prouissions, of all sorts, (excepting fish, sheepes woole, cotton woole, salt, & such other things as by former lawes are exempted or otherwise prouided for,) which from any foreine part or other jurisdiction shall bee imported into any of our harbo<sup>rs</sup>, ports, shoares, or elsewhere, within this jurisdiction, shall bee rated in a just proportion with estates ratable in the country, viz<sup>t</sup>, for euery twenty shillings uallue shall bee paid one penny in money.

2. All goods, wares, & merchandizes, as aforesajd, shall bee heere uallued as followeth: that is, eury hundred pounds at the port or place from whence it came to bee counted heere at one hundred & twenty pounds; which penny per twenty shillings shall bee paid by the agent, ffactor, owner, or other person by whome they are brought, or to whome they are sent or consigned, & soe according to the same proportion for all greater or lesser quantities whatsoever.

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3. To which end all goods & prouissions, as aforesajd, imported, shall, by the master, purser, boateswaine, or skipper of each ship or other vessell in which they are brought, before breaking bulke or landing any of the sajd goods, bee certifyed vnto the country Treasurer, or collector by him impowred in the seuerall ports, townes, or other places where they are brought, on penalty of fforfeiture of twenty shillings per tunn, according to the burthen of the ship or uessell wherein they are brought from time to time.

4. And all & euery such collector shall carefully & truly enter all such goods, with their seuerall marks, casks, packs, fardells, trusses, chests, truncks, cases, & all other things, howeuer called or distingwished, with the names of the persons to whome such goods or other things are sent & consigned, or are owners thereof, soe farr as may by any lawfull meanes bee discovered.

5. And all persons to whome such goods & other things aforesajd are consigned or sent, or are the owners thereof, shall from time to time, before such goods are landed, signify the true & just uallue thereof by shewing the just inuoyce thereof vnto the aforesajd collector for each port, who are hereby required to enter the grosse sume thereof in a booke for that purpose, what the sajd goods or other things amount vnto, & shall forthw<sup>th</sup> demand & receiue the seuerall rates or assessments afore-mentioned, or certify the Treasurer or such other collector or receiuer as is concerned therein.

\*6. And in case of denyall or delay of payment, the collector, authorised as aforesajd, shall leuy the same by distress vpon the sajd goods, at the rate or price set in the inuoyce, out of which hee shall haue two shillings per pound for his time & labo<sup>r</sup> therein; and for the more full effecting hereof, the sajd collector is impowred to require aid, (if need bee,) as any constable may in the like seruice, & noe man may refuse to assist, vpon the same penalty the law in that case express. [\*631.]

7. If any inuoyce or bill of parcells shall bee falsified, concealed, or not produced, of any goods or other things imported as aforesajd, it shall bee lawfull for the Treasurer or collector, with the select men of each towne therein concerned, to rate all such goods, or the owner or other agent, for the same, by will & doome, according to their best discession, provided it bee not less then fowre pounds p tunn, as the same stands entered in the bill of lading in the boateswaine or other officers booke.

8. It is further ordered, in reference to all sorts of cattle that are brought into this jurisdiction to bee sold, or killed, or transported, that the venders shall giue a just & true account of all such cattle soe brought to some one of the aforesajd officers impowred to act herein, both in respect of number & kind, &

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the same shall bee entered in a booke, & the owners of all such cattle, or the person with whome they are trusted, before they are set to sale, killed, or put on board any vessell for transport, shall pay for euery head as is expressed in the lawe, title Charges, Publike, vpon penalty of forfeiture of any such beast, or the true uallue thereof, in whose hand sōuer found, the one halfe to the publike treasury, the other halfe to the informer.

9. For all sorts of goods, hides, skins, beauer, peltry, butter, cheese, or other merchandize or prouissions brought into this jurisdiction by land, the owner, ffactor, agent, or other person intrusted, shall, before any sale made, or before any putting on board any vessell for transport, or other disposall of the sajd goods, make a just & true entry thereof, as is before provided concerning goods imported by sea, & to bee rated one penny in euery twenty shillings, the same to bee paid in money to the sajd officer, vnder the penalty of forfeiture, as aforesajd, the one third part to the country Treasurer, one third part to the informer, & one third part to the collector.

10. The country Treasurer for the time being is hereby impowred & required duly to execute, or caused to bee duly & fully executed, this p̄sent order in each perticular part thereof, who is also impowred & authorised to depute & impowre all such officers vnder him as hee shall judge necessary for the accomplishment thereof, who, vpon warrant to them directed, vnder his hand & seale, shall attend the same, & the sajd officer or officers shall bee accountable to the sajd Treasurer when hee shall \*shall call them thereunto.

11. It is ordered, that such goods, or other things, as vpon importation shall by this order bee paid for, shall not againe for that yeare be rated whilst they remaine in the hands of them that soe paid for them.

12. In case the Treasurer, or any officer vnder him, shall find any great difficult or doubtfull case in the execution of this order, they shall repaire to the Gouvernor & council, or soe many of them as can conueniently assemble, provided the number bee not less then fiue, who are hereby impowred to giue such order & directions expedient for the effectuall prosecution of this order; and the order respecting customes, made October, 1668, is hereby repealed; and it is ordered further, that this p̄sent law bee in force forthwith, vpon the ending of this present sessions, & forthwith published in Boston & Charls Towne.

It is ordered by this Court that this shall bee the seale of the Treasurers office.



Order to prevent exportation of money out of this jurisdiction.

Order to prevent exportation of money out of this jurisdiction. For the better execution of the law, page 62, sect 2, for the restraining the exportation of money, it is ordered by this Court & the authority hereof, that the persons hereafter named, viz<sup>t</sup>, —

For Boston, Capt James Olliuer & M<sup>r</sup> Thomas Brattle, or either of them ;  
 For Charls Towne, Captaine John Allen ;  
 For Salem, M<sup>r</sup> Edmond Batter ;  
 For Piscattaqua, M<sup>r</sup> Elias Stileman ;  
 For Marble Head, M<sup>r</sup> Samuuell Ward ;  
 For Dedham, Ensigne Fisher ;  
 For Braintry, Moses Paine ;  
 For Mälborow, William Kerley ;  
 For Springfeild, Lawrence Bliss, —

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 Co<sup>m</sup>missioners  
 to search for  
 money.

bee all & euery of them appointed, impowred, & required to search for & seize all moneyes of the coyne of this jurisdiction that shall be found or discovered in any ship, or any other uessel, that hath weighed anchor to depart from that port where shee ladeth, or all such money that shall bee found in any persons pocket, cloake, bag, portmantle, or any other thing belonging to them, after such person hath taken horse back, to proceed & trauel in his or their jorney out of this jurisdiction, from the first towne or station whence such persons begin their trauell ; & all money that such searcher shall find, (except soe much as is allow<sup>d</sup> by law,) hee shall safely keepe it vntill the next Court of the shire, & then p<sup>r</sup>sent the same vnto the sajd Court ; & if it bee judged by the Court to bee forfeited according to law, then the sajd Court are required to order the deliury of one third part to the officer that seized y<sup>e</sup> same, & the other two parts to returne to the publike treasury of the country ; & it is further ordered, that the *\*the* searchers before named are hereby impowred to breake open any chest, trunck, box, cabbins, casks, truss, or any other suspected place or thing where they, or any of them, conceiue money may be conceald, & seize the same ; & also they, or either of them, are impowred to require such assistants from any constables or others as to them may seeme expedient, who are to ajd them, vpon the penalty of fforty shillings fine for euery neglect. [\*633.]

Order further to regulate coopers staues.

Order further  
 to regulate  
 coopers staues.

Whereas the law, title Pipe Staues, page 64, prouides only for pipe staues for tite cask, & that hogshhead staues & barrell staues, both of white & red oake, as well as pipe staues, are frequently transported & traffiqued in payments, it is ordered by this Court & the authority thereof, that all hogshhead staues shall bee in length three foote two ynches or vpwards, not exceeding three foote fowre ynches, & all barrell staues shall bee in length thirty one ynches, all well & euen hewed or dressed, sufficiently for vse, as for pipe staues is expressed, whether of white or red oake ; and all headings for pipe

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staues, of any sort, to bee in length twenty eight ynches, & for hogshheads & barrells sutable to the cask to bee made thereof, & that it bee inserted in the oath appointed for uiewers of pipe staues, page 88, any thing in the aforesajd law to the contrary notwithstanding.

Order to deter-  
mine booke  
debts, &c.

Order to determine debt bookes, &c.

On complaint & consideration of sundry inconueniencies, both to creditors & debtors, through want of seasonable examination & ballancing of booke accounts, it is ordered & by this Court ennacted, that all such booke debts as are now standing out, or that hereafter shall bee made, & that shall not, within three yeares after publication hereof, or within three yeares after such debt as hereafter shall bee made, bee accounted for or ballanced with the originall debtor, or his attorney, agent, assign, or other lawfull successor or substitute; and on accompt or ballance thereof, assured by specialty giuen for it, or witnessed by subscribing the debtor, or other accomptants name, to the creditors booke, or the subscription of the wittnesses to such accompt, shall not bee pleadable in any Court, vnless such booke debt shall, within the time before limited, bee prosecuted or proued in such Court as hath proper cognizance thereof, by euidence competant & approued by the sajd Court; and the euidence there recorded, & the reccord thereof, shall secure the creditor, his ex-ecutores, administrators, & assignes, vnless the debtor or his assignes shall dis-proue the same within one yeare after such prooffe made, or recouery of the sajd debt, if such debtor, his or her agent, attorney, assign, substitute, execu-tor, administrator, or other lawfull successor, bee or shall bee within this juris-diction, or else where, & haue due notice from the creditor thereof.

Order determining the choyce of millitary officers.

[\*634.] This Court, considering the direction of our pattent relating to the \*stating of all military officers in this jurisdiction, doe hereby order & declare, that all commission officers that at p̄sent are in power are confirmed according to their respectiue commissions; but for the time to come, where new are to bee chosen, it is only in the power of the Generall Court (or, in case of emer-gency, for the council of the common wealth) to nominate, choose, appoint, & impowre all commission millitary officers, (excepting the major generall & ad-mirall at sea, the choyce of whome are otherwise provided for by law;) & for all inferior officers in companies, they are to bee chosen & appointed by the commission officers of that company, and where noe commission officer is, by the majo<sup>r</sup> of the regiment.

Order to deter-  
mine the  
choyce of mil-  
litary officers.

## Law to preuent breaking of prisons, &amp;c.

1669.

19 May.

Lawes to pre-  
uent breaking  
of prisons.

On complaint of the keeper of the prison, that some malefactors & other prisoners haue made escape by meanes of some euell disposed persons that supply them with instruments to effect the same, it is therefore ordered by this Court & the authority thereof, that if any person whatsoever shall any wayes, either directly or indirectly, conuey any instrument, or any other thing whatsoever, to any prisoner, by which such prisoner or any other prisoner either shall, may, or might breake prison, or worke him or her selfe vnlawfully out of the same, if it were for debt, such person soe transgressing shall pay the whole debt, & incur the penalty of forfeiture of as much to the country, or vndergo such corporall punishment as the Court on whose proceedings such imprisonment followed, or the Court of Assistants, shall impose, order, or appoint; and if any prisoner, committed for offence or offences criminall or capitall, shall, by such wicked compliance of any person, breake prison, or make escape out of prison, or bee found in preparation thereunto, the person or persons which directly or indirectly conueyed such instruments, tooles, or other things, whereby such prisoner shall or might worke his or her escape from prison, such person shall bee lyable to the same corporall punishment which the prisoner was lyable vnto, & also incur such further penalty by fine, imprisonment, or corporall punishment, as the County Court, Court of Assistants, or Generall Court shall appoint; soe that where the prisoners are not actually escaped, in such cases any Court to moderate as they shall see meet; and if the escape of any prisoner appeare to be through the fault or neglect of the jaylor, he shall then bee lyable to such penalties as the prisoner was, according as the Court which hath cognisance thereof shall determine.

\*In answer to the humble & just request of the ouners & master of the ship Speedwell, most of them residing in Charls Toune, humbly desiring the favour of this Court to impower & enable some meet persons to procure the remajnder of the contributions of the seuerall inhabitants in the seuerall townes of this colony, according to their subscriptions, it is ordered by this Court & the authority thereof, that Cap<sup>t</sup> Jn<sup>o</sup> Allen & M<sup>r</sup> James Russell shall & hereby are appointed & impowred comissioners to examine & take the accounts of those gen<sup>ta</sup> that haue formerly been betrusted w<sup>th</sup> the collection of the contribution for his maj<sup>ty</sup> fleet at Berbadoes, & to doe what euer shallbe necessary for the effecting thereof, according to the just expectation of the ouners or of any others that are concerned in that affaire, as is aboue expressed, & their receipt shall be a full discharge to all persons concerned; and in case there appeare to be neede, they are hereby authorized to comēce a suit or suits, in their owne names, for the vse aboue sajd, or by their substitutes, against any person

[\*635.]

Cap<sup>t</sup> Allen &  
W<sup>m</sup> Russell a  
comitteo im-  
pou'd to gather  
y<sup>e</sup> contribution  
for y<sup>e</sup> fleet, &c.

1669. or persons, toune or townes, that doe neglect to bring in what they haue subscribed as their donation to so good a worke.

19 May.

Tho. a Kempis  
booke to be re-  
vised, &c.

The Court, being informed that there is now in the presse, reprinting, a booke, tit Imitacons of Christ, or to y<sup>t</sup> purpose, written by Thomas a Kempis, a Popish minister, wherein is conteyned some things that are less safe to be infused among the people of this place, doe comend it to the licensers of the press, the more full revisall thereof, & that in the meane tyme there be no further progresse in that worke.

M<sup>r</sup> Danforth to  
keepe y<sup>e</sup>  
Courts in Nor-  
folke.

M<sup>r</sup> Thomas Danforth is appointed to keepe the County Courts in Norfolke for y<sup>e</sup> yeare ensuing.

Order to re-  
quire y<sup>e</sup> full of  
y<sup>e</sup> eastern al-  
lowanc for  
maj<sup>r</sup>trates y<sup>t</sup> is  
behind, &c.

The Court, in remembrance of their order made in the yeare 1654, whereby the eastern p<sup>ts</sup> were ordered to allowe seventeen pounds tenn shillings p annū towards the defraying the charge of such magistrates as were to keepe Courts there, doe order, that what remaines of the aforesajd sum<sup>s</sup> yet vn<sup>p</sup>ajd be required by warrant from the Tresurer, & account thereof given to this Court.

Cap<sup>t</sup> Waldern,  
Cutts, & Stile-  
mans power.

Itt is ordered, that Cap<sup>t</sup> Richard Walderne, Cap<sup>t</sup> Richard Cutts, & M<sup>r</sup> Elias Stileman, & either of them, shall & hereby are invested w<sup>th</sup> power to act in all cases as any one magistrate may doe, w<sup>th</sup>in the precincts of Douer & Portsmouth. And it is ffurther ordered, that the comissioners y<sup>t</sup> are chosen to keepe smale Courts there shall & hereby are impowred at those Courts to trye all actions not exceeding tenn pounds ffor y<sup>e</sup> yeare ensuing.

Comissioners  
power to keep  
smale Courts  
at Portsmouth,  
&c.

Forasmuch as euery magistrate, associate, comissioners for smale causes, &c, are vnder an oath of God, and that no provition hath been made for such as are invested w<sup>th</sup> magistratticall power by this Court, it is ordered that euery man to whom such power is derived shall henceforth take the oath herevnder written, before some County Court or magistrate, before he exert his authority therein: —

Oath for comis-  
sioners associ-  
ats, &c.

Whereas yow, A B, are appointed & comissionated to act & doe in sundry respects as any one magistrate may doe, as expressed in yo<sup>r</sup> comission, you doe here sweare, by the great & dreadfull name of the euerliving God, that yow will faithfully demeane yo<sup>r</sup>self therein, w<sup>th</sup>out favour or affection to any, to the best of yo<sup>r</sup> knouledge, according to the lawes here established. So help yow God.

Cap<sup>t</sup> Walderne  
& M<sup>r</sup> Stileman  
to asist y<sup>e</sup> as-  
sociates in  
Yorke.  
Cap<sup>t</sup> Salten-  
stall, Pike, &  
Doltons comis-  
sion.

In ans<sup>r</sup> to the request of the deputjes for the county of Yorke, it is ordered, that Cap<sup>t</sup> Richard Walderne & M<sup>r</sup> Eljas Stileman shall & hereby are impowred with magistratticall power, and to assist in keeping County Courts in that county w<sup>th</sup> the associates there.

It is ordered by this Court & the authority thereof, that Cap<sup>t</sup> Nathaniel

Saltonstall, Capt Robert Pike, & Mr Samuell Dalton be intrusted w<sup>th</sup> magistratticall power for one yeare ensuing, & that any one of them may doe & execute, w<sup>th</sup>in their respectiue tounes where they liue, & not elsewhere, whateuer any magistrate may legally doe.

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In consideration of the distraccons of the military company in Newbery, for the better composure & prevention of the increase thereof, Major Generall Leueret & Major Dennison are hereby desired & impowred to inquire into the grounds thereof vpon the place, & to doe what to them shall seeme meet & necessary for a peaceable settlement, till the next sessions of this Court.

Mr Leu<sup>r</sup> & M<sup>r</sup> Dennison to settle y<sup>e</sup> company at Newbery.

This Court doe order, that the neck of land vpon the east end of the great island at Portsmouth shall be sequestred for the vse of the fort there planted, taking in y<sup>e</sup> great rock, & from thence all the easterly pte of the said island. And this Court doe further order, the County Court, to be held this summer at Douer, shall heare & determine the clajmes of any that may pretend title thereto, & order their just satisfaction out of the treasury of that county, in case any just reason for the same to them doe appeare.

Courts order or grant to y<sup>e</sup> fortification at Portsmouth.

\*In ans<sup>r</sup> to the motion of the deputjes for the county of Yorks, Douer, &c, Major Generall Jn<sup>o</sup> Leveret is desired & impowred to keepe the County Courts of Douer & Yorks in the latter end of this month & begiñing of the next; and that Major Brjan Pendleton, M<sup>r</sup> Francis Neale, M<sup>r</sup> Ezekiel Knight, & Capt Charles Frost shall & hereby are impowred w<sup>th</sup> magistratticall authority to act in that county for the yeare ensuing, as any other magistrate may doe.

[\*636.]

Maj<sup>r</sup> Gen. Leueret to keepe Dover & Yorke Court comission<sup>rs</sup> y<sup>e</sup>ir to assist, &c.

Whereas there hath been a considerable sūme lajd out vpon fortification at Salem, w<sup>ch</sup> may prooue of good vse, yet, for want of some litle further worke, it is rendered for the present vnserviceable, this Court doeth therefore order, that Capt George Corwin take care that the said fortification be forthwith compleated, & he is hereby impowred to grant warrants to the constables to impresse workmen, if need be, for the finishing of the said fortification, the charge whereof to be defrayed by the selectmen, who are hereby impowred to rate the inhabitants for that end & purpose.

Capt Corwins power to finish y<sup>e</sup> fortification at Salem.

Whereas, by distresse of weather, M<sup>r</sup> Foster, master of the Dolphin, of Charls Toun, lost his topmast sayle & rigging in Ipswich Bay, w<sup>ch</sup> was taken vp at Lynn by M<sup>r</sup> Kinge, & by him deteyned, notwithstanding due recompence hath been tendred for all his paynes & charge in securing the same, vpon the request of the said master, that he may haue some order for the receiving of the said goods, the want whereof is a great prejudice to him, it is ordered that Major Hawthorne be impowred by this Court to heare & determine the case according to lawe, to allow what recompenc he shall judge meet, & cause the said sayle & rigging to be deliuered to the said master.

Order that M<sup>r</sup> Fosters topmast be restored on due recompence made.

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Courts judgm<sup>t</sup>  
in Rouley &  
Shipways case.

In the case of W<sup>m</sup> Rouley, attorney to Jn<sup>o</sup> Fullerton, plaintiffe, ag<sup>t</sup> Jn<sup>o</sup> Shipway, defendt, coming to this Court for its trjall, by the magists refusing the virdict of the jury, the Court, on a due hearing & considerations of the evidences in the case proeduced, doe find for the plaintiffe one hundred pounds damage, to be paid in money, & costs of Court, eleven pounds three shillings & fouer pence, & that the defendt haue all his goods.

Courts judgm<sup>t</sup>  
in Wadleighs  
& Barefoot  
case.

In the case betwixt Robert Wadleygh, pl<sup>t</sup>, ag<sup>t</sup> Walter Barefoots, defendt, now depending in Court, the pleas & allegations on both sides hauing binn fully heard, the Court hath adjudged the said Barefoot to give vnto the said Wadleigh a legall conveyance vnder hand & seale, w<sup>th</sup> a covenant that he stood lawfully seized of the land in question at the time of making his couenant w<sup>th</sup> warranty ag<sup>t</sup> himself & heires, M<sup>r</sup> Samuell Symonds, Señ, & his heirs & assignes, & all other persons clajming vnder them, or any of them; & this to be donne legally & effectually, by or before the tenth day of this month of June, or els in default thereof to pay the sume of fower hundred pounds, w<sup>th</sup> the cost of Courts.

Courts judgm<sup>t</sup>  
in Cogswell &  
Storys case.

In the case of W<sup>m</sup> Cogswell, plaintiffe, ag<sup>t</sup> W<sup>m</sup> Story, Señ, Seth Story, & W<sup>m</sup> Story, Juñ, defendt's, coming to this Court for its trjall, by the Magis<sup>ts</sup> in the Court of Asis<sup>ts</sup> last refusing the virdict of the jury, the Court finds for the plaintiffe the land in controfsy, & costs of Courts.

Courts judgm<sup>t</sup>  
in Green &  
Greenleafs  
case.

In the case of Nathaniel Greene, plaintiffe, ag<sup>t</sup> Steeven Greenleaf, defendt, coming to this Court for its trjall by the Magis<sup>ts</sup> refusing the virdict of the jury of the Court of Asistants last, the Court, on a due hearing & consideration of the case, doe finde for the defendt costs of Courts. The Court, on further consideration, order y<sup>e</sup> plaintiff & defendt to beare their owne costs.

Order impow-  
ring Jn<sup>o</sup> Ship-  
way to gett y<sup>e</sup>  
goods lost, &c.

In ans<sup>r</sup> to the motion of Jn<sup>o</sup> Shipway, this Court doe order, that those officers or others that haue any of those goods that were taken out of the ship Ellinor & Christian, whereof he was master, after it was carrjed on shoare on Salisbury beach, shall deliuer the same to the said Shipway, or his lawfull assignes, he paying all just charges expended in taking them vp, or keeping them; and also, he hath liberty granted him to take out a warrant for to search for any þt thereof that is concealed & deteyned from him in the hands of any person or persons w<sup>ts</sup>oeuer.

Courts judg-  
ment in Lau-  
sons case.

The Court, hauing heard the complaint & accusations of Xtopher Lawson & his wife, one against the other, w<sup>th</sup> their seuerall pleas & allegations, doe finde they haue liued very sinfully & irregularly for many yeares past, & haue binn very injurious one towards the other, contrary to the ordinance of God & their marriage couenant, & doe therefore order & hereby injoyne them, for the

time to come, to live quietly & peaceably together as man & wife, w<sup>th</sup>, if either party refuse or neglect to doe, vpon complaint & conviction before any County Court, the said party shall be committed to the house of correction, or forthwith to depart this jurisdiction, not to returne againe w<sup>th</sup>out license of this Court or the council; & for that end that they may observe this injunction, the woman is hereby set at liberty from hir p<sup>re</sup>sent imprisonment.

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\*Cap<sup>t</sup> J<sup>n</sup> Pinchon, Cap<sup>t</sup> Edward Johnson, & M<sup>r</sup> Willjam Parks are ap- [637.]  
pointed a committee to consider of the severall petitions exhibbited to this Court, Committee for  
& make returne of what they judge meete to be donne therein to the Court. petitions.

Cap<sup>t</sup> Thomas Clarke, Cap<sup>t</sup> Hopstill Foster, & M<sup>r</sup> Anthony Stoddard, or Committee to  
any two of them, are appointed & hereby impowred to take the Treasurers take Tres<sup>r</sup> ac  
acco<sup>t</sup> sometimes between this & the next session of this Court, & to make re- co's.  
turne thereof at the said next session.

And whereas there is a difference betweene the country Treasurer & the constable of Lynn, about the prosecution of hues en cry, & some other acco<sup>ts</sup>, & to issue dif-  
power is hereby given to the aboue said committee to inspect the said differences, ferenc as to y<sup>e</sup>  
constable of  
Lynne, &c.  
& together w<sup>th</sup> the Tresurer, to put issue thereto.

Whereas Edward Drincker, of Boston, being legally returned by the Courts order &  
constables of Charls Toune, for assembling w<sup>th</sup> the schismatticall assembly p<sup>re</sup>sent release  
of Annabaptists at Thomas Golds house on the Lords day the 7<sup>th</sup> of March of Edw.  
last, according to the sentenc of the Generall Court, October 11<sup>th</sup>, 1665, was Drincker.  
committed to prison vntill the Generall Court, & was further admonished of the Edward Drink  
er.  
euill of such a turbulent practise, thereby open opposition & disturbance being  
given to the lawes & authority here orderly established, and doe order his  
present release; and in case he be againe convicted of the like offence w<sup>th</sup> the  
said company, to be committed to prison by any magistrate or Court that shall  
haue propper cognisance thereof, vntill the Generall Court or councill shall  
give further order.

In ans<sup>r</sup> to the humble petition of Left Peeter Coffyn, humbly desirine the Peter Coffyns  
fauor of this Court to remitt or abate his fine imposed, the Court judgeth fine abated to  
it meete to abate the petitioner the one halfe of the fine, viz<sup>t</sup>, twenty five 25<sup>s</sup>.  
pounds.

In ans<sup>r</sup> to the humble petition of Cap<sup>t</sup> Thomas Clarke, on a second Courts ans<sup>r</sup> to  
tion, & consideration thereof, the Court judgeth it meete to grant the peti<sup>o</sup>ner Cap<sup>t</sup> Clarks  
a hearing of the case mentioned in his peti<sup>o</sup>ner, he giving notice to the partjes peti<sup>o</sup>ner; a  
concerned to appeare before this Court to make there defence, & attend the hereing of his  
issue thereof at their next sessions. case g<sup>te</sup>d.

In ans<sup>r</sup> to the petitions of the inhabitants of Ipswich & Glocester, exhib- Ans<sup>r</sup> to Ipswich  
bited to this Court in relation to Thatch Banks, &c, the Court judgeth it meete & Glocesters  
peti<sup>o</sup>ner.

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to declare that, notwithstanding the lawe about priuiledge to low water marke one hundred rods, yet, when tounes doe not grant their lands to the riuers, but otherwise bound mens lands that lye by the riuerside there, they haue not liberty to clajme further right by the sajd lawe, though where no such bounds were sett, or reserves made in grants, the Court declares that the sajd lawe must take place, & doeth cleerely determine the case, it remaining w<sup>th</sup> the Court to consider the lawe as they see cause.

Courts sentenc of Tho. Payne, & his fine, 30<sup>th</sup>.

Thomas Payne, late trader among the Indians at Pennicooke, vpon Merrimack Riuer, appearing before the Court to give an account concerning the death of Thomas Dickerson, lately there slajne, pleaded that he was wholly ignorant & innocent concerñg his death, yet confessed that he traded licquors w<sup>th</sup> the Indians, whereof he sajd he kept no account of the quantity, w<sup>ch</sup>, by the confessions of the Indians, on theire examination about the death of the sajd Dickerson, was the occasion of the murderous act. The Court, on a full hearing of the case, doe sentence the sajd Payne to pay a fine of thirty pounds, to be p<sup>yd</sup> to the country Treasurer.

Jonathan Negus farme of 200 acres.

Lajd out to Jonathan Negus, of Boston, two hundred acres of land, in the wildernes, on the north east of Merrimack Riuer, vpon a branch of Beavar Brooke, next adjoyning to land lately lajd out to M<sup>r</sup> Richard Collicot. It begins at a maple tree marked in a maple swampe, in the south south west l<sup>j</sup>ne of the sajd Collicotts farme, & so is bounded by the sajd f<sup>arme</sup> on the west, & extending sixty & eight pole beyond the sajd farme due north vnto a pillar of stones l<sup>y</sup>ng on the south side of a rockey hill ; & from thence it runnes east & north one hundred fivety sixe pole vnto a pine marked w<sup>th</sup> N N ; from thence it rvnns due south two hundred & twelue pole ; from thence it runns due west one hundred & ninety pole to the first maple, w<sup>ch</sup> is the closing l<sup>j</sup>ne ; it <sup>is</sup> bounded partly as aforesajd, & elsewhere by the wilderness ; y<sup>e</sup> exact forme or figure of it doeth appeare by a plott taken of y<sup>e</sup> same by

JONATHAN DANFORTH, Surveyo<sup>r</sup>.

3 m<sup>o</sup>, 1669.

The Court allowes of this returne.

Ans<sup>r</sup> to Georg Sagamors peti<sup>on</sup>.

In ans<sup>r</sup> to the petition of Georg Sagamore, the Court declares that his clajme men<sup>con</sup>ed in his petition concernes not the Generall Court to determine, but leaue him to the proprieto<sup>r</sup>s of the land to give him as they & he shall agree.

Courts ans<sup>r</sup> to Rob<sup>t</sup> Wadleighs peti<sup>on</sup>.

In ans<sup>r</sup> to the peti<sup>on</sup> of Robert Wadleigh, the Court judgeth it meete to grant the peti<sup>on</sup>er a hearing of his case at the next sessions of this Court,

& that sūmons be issued out by the secretary, that all persons concerned may haue notice thereof then to appeare. 1669.

In ans<sup>r</sup> to the petiōn of M<sup>r</sup> Deane & M<sup>r</sup> Addam Winthrop, the Court judgeth it meet to grant them a hearing of the case in their petiōn exprest, they giving seasonable notice thereof to all partjes concerned.

\*In ans<sup>r</sup> to the petition of George Carr, the Court, having heard his allegations & perved seuerall Court orders referring to the case, doe declare, that the petiōner ought to haue his couenant made good, according to the order of Salisbury Court, 9 m<sup>o</sup>, 1650, to haue the whole dispose of the sajd fferry on both sides of the ryver, there being no complaint of defiecy of the bridge, or of Carrs attendance by boat or otheruise, but, contrarywise, desires from *from* seuerall selectmen of the continuance thereof in his hands, & therefore can see no ground to allow of the setting vp of another fferry there, but judge liberty may be granted to sett vp a ferry or ferryes in other places on that riuer, vsefull for the country, the said Georg Carr having the refusall of keeping the fferry at or about Powwaws Riuer, he keeping & attending on it for the ease of the country, & on the same termes that it was granted to him that now keeps it, by order of the County Court at Hampton or Salisbury, liberty of magistrates & deputjes to passe ferry free, as it was by law setled before the agreement the sajd Carr made about the sajd fferry, which he accepted not then against.

Lajd out to M<sup>r</sup> Richard Collecott, of Boston, two hundred acres of land in the wilderness, the north east of Merrimack Riuer, lying vpon Beavar Brooke, northward of Weymesick, about seuen miles from the sajd riuer. It ljetth vpon the east side of the sajd Beavar Brooke, & so runs vp the sajd brooke about two hundred and thirty pole, vnto a great white oake, marked w<sup>th</sup> C, & bounded by the sajd brooke on the west; from thence it runs east north east two hundred & seventeen pole, w<sup>ch</sup> extends about twenty pole eastward of the aforesajd litle brooke vnto a pine, markt as aforesajd; from thence it runns due south thirty pole; from thenc it runns south south west two hundred seventy & six pole, w<sup>ch</sup> closeth to the mouth of the litle brooke rvnnīg into Beavar Brooke, as aforesajd, where wee begann. It is bounded on the east side partly by land lately lajd out to Jonathan Negus, of Boston, & by the wildernes elsewhere; the forme or figure thereof is more fully shewed by a plot taken of the same

By JONATHAN DANFORTH, Surveyor.

The Court approoves of this returne.

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Ans<sup>r</sup> to M<sup>r</sup>  
Deane & M<sup>r</sup>  
Adam Win-  
throps petiōn.  
[\*638.]  
Ans<sup>r</sup> to George  
Carrs petition.

3 mo., 1669.  
M<sup>r</sup> Collicotts  
farme of 200  
acres lajd out.

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Ans<sup>r</sup> to Joseph  
Porters peti-  
tion.

M<sup>r</sup> Edw. Hil-  
tons exemption  
from country  
rates.

In ans<sup>r</sup> to the peti<sup>c</sup>on of Joseph Porter, humbly desiring the favo<sup>r</sup> of this Court to acquitt him from contributing to y<sup>e</sup> maintenance of Mary Negus child, &c, the Court sees no reason to grant his request.

The Court, on pervsall of the articles of agreement between this colony & the inhabitants of Douer, &c, seuerall of them well remembring that M<sup>r</sup> Edward Hilton was one of those that were comissionated to agree w<sup>th</sup> this Court in behalfe of the inhabitants of Piscataqua, doe declare that M<sup>r</sup> Edward Hilton is, according to the articles, justly exempted from the country rates, & that accordingly he be freed from such impositions, & that the Tresurer of the country discounts M<sup>r</sup> Hiltons proportion w<sup>th</sup> the constable of Exitur vpon his account y<sup>t</sup> was imposed on him by the last county comissioners.

Ans<sup>r</sup> to Mary  
Gardners re-  
quest, & selling  
of that estate  
of Hingham.

In ans<sup>r</sup> to the request & motion of Mary Gardner, of Hingham, adm<sup>i</sup>stratrix to the estate of the late Jn<sup>o</sup> Gardner, it is ordered, that the sajd Mary, the adm<sup>i</sup>nistratrix, shall pay to hir eldest sonne, at the age of twenty one yeares, forty shillings, & to each of the other nine children twenty shillings a peice; at the age of twenty one yeares the sonnes, & at eighteen yeares the daughters; and that the sajd Mary shall haue the rest of the whole estate to sell & dispose of to hir oune vse, she bringing vp the children.

Ans<sup>r</sup> to Marl-  
boroughs peti-  
c<sup>o</sup>n.

In ans<sup>r</sup> to the peti<sup>c</sup>on of the inhabitants of Marlborough, the Court declares that if it doe indeed appeare that their bounds were lajd where former grants had first taken place, that then such tract or grants of land as was formerly granted to others shall be abated, & taken off from Marlborough, and they allowed the like quantity of land in that vacant place of land men<sup>c</sup>oned, lying betwixt them & Sudbury; & for setlement hereof Leif<sup>t</sup> Fisher & Leif<sup>t</sup> Beeres be impowred therevnto, the toune of Marlborough defraying their charges.

[\*639.]

Ans<sup>r</sup> to Jn<sup>o</sup>  
Checklys peti-  
c<sup>o</sup>n.

\*In ans<sup>r</sup> to the petition of John Checkly, it is ordered, that Majo<sup>r</sup> Generall Leueret, M<sup>r</sup> Humphrey Davy, & M<sup>r</sup> John Wisewall shall & hereby are appointed & impowred, or any two of them, as comissioners, to exam<sup>i</sup>e & adm<sup>i</sup>ster oaths to persons suspected in conceling the estate of the sajd Thomas Broughton; as also that he shall haue the benefit of the lawe which requires satisfaction by service where estate cannot be found.

Ans<sup>r</sup> to Hadley  
peti<sup>c</sup>on.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Jn<sup>o</sup> Russell, pastor, & M<sup>r</sup> Willjam Goodwin, ruling elder of the church of Hadley, and in their names, this Court declares that the Court, in their order 1668, in October, medled not at all w<sup>th</sup> the relation that any of their members stand in to the church, neither doth that act enforce any dismission of their members, or ceasing of relation or obligation to duty; and this answers the greatest part of their petition,

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especially since the church expresseth themselves not willing to keepe them bound to them, but would hasten them to be in a capacity for dismission, in which respect it is hoped & expected, & the rather being desired by their brethren, that they would encourage & countenance them in procuring such a godly & able minister as may be a blessing to both sides. Concerning the other part of the petition, and in explication of the forementioned order of Court, it is declared, that the Court intended a mutuall agreement in joint allowance to both ministers, when the west side should procure one, and in case of their not agreeing herein, then the inhabitants on the west side should comfortably provide for the maintenance of that minister on the west side, & so be freed from any allowance to him on the east side; and this way of the Courts determini<sup>ng</sup> it thus being only in case of their not agreeing to maintejne them jointly, when a minister should be settled on the west side, according to this Courts allowance. It is not intended by the Court, nor reasonable, that those inhabitants who are much the fewer number, & less able, should be forced to allow towards the east side, especially since it is provided for the east side that the west side shall not rate any of their lands w<sup>ch</sup> lyes on the west side, w<sup>ch</sup> is vnderstood to be meant while such persons were actually liuing on the east side, because els their uill continue a vast disproportion in the land allowed towards majnteyni<sup>ng</sup> of the mi<sup>n</sup>isters, and uill proove an ease to the east side of what it would haue been to them, though the west side had joynd w<sup>th</sup> them in mainteyn<sup>ng</sup> two, w<sup>ch</sup> they haue always held forth to this Court that they intended. As to a motion about three lotts on the west side yet vndisposed of, the Court judgeth it very reasonable they be allowed & settled to the inhabitants on the west side, in refference to their minister, & mayntenance of him; & that no other but meete persons to encourage & further that .. worke be enterteyned in them. And in case either party declare themselves vnsatisfied w<sup>th</sup> this settlement, or present explication of the Courts order, the Court judgeth it meete that a com<sup>i</sup>ttee of vninterested & vnconcerned persons, be impowred by this Court to repaire thither, & vpon veiw of the land, & what may be alleadged by both partjes to appoint & settle what shall belong to the maintenance of the mi<sup>n</sup>ster on one side, & what to the maintenance of the other; who shall draw the l<sup>i</sup>ne of diuission of land vpon that account, & make returne thereof to the next sessions, that it may be enrouled for a full issue of this matter.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of M<sup>r</sup> Jn<sup>o</sup> Elliot, in behalfe of the Indians at Natick, the Court judgeth it meete to desire & impower the honoured M<sup>r</sup> Edward Tyng, M<sup>r</sup> Edw<sup>d</sup> Jackson, M<sup>r</sup> W<sup>m</sup> Parks, & Left Richard Cooke, the former com<sup>i</sup>ttee, to repaire to the place, & on their veiw of the l<sup>i</sup>nes before

Ans<sup>r</sup> to Natick  
Indians peti-  
con.

1669. some or both parties concernd, to declare vnder their hands where the bounds they settled between them ljes.

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[\*640.]

\*May 8<sup>th</sup>, 1669, at Kittery.

Kitterys limits  
as to trayns,  
&c, p<sup>r</sup> agreem<sup>t</sup>  
confirmd by y<sup>e</sup>  
Court.

Att a generall meeting of the inhabitants of the toune of Kittery, it was vnanimously concluded, that for prevention of the burthen to its inhabitants, w<sup>th</sup> respect to meeting for the publick worship of God & traynings, in regard of the distant dwelling of the inhabitants as at present accounted in one toune, that, w<sup>th</sup> respect to the occasions abouesajd, Stergeons Creeke shall be a dividing lje betwixt the vpper & neither part of the sajd toune, that none shall be required to come ouer the sajd dividing lje either for publick worship or for trajings, except one meeting yearely for trayning two dajes time, and this agreement to be presented to the Court for a full establishment thereof, & the other trayning dayes w<sup>ch</sup> the lawe requires to be kept in the district diuissions; & one or two dajes yearely to be, if neede require, for publick toune meetings for making choice of country & toune officers to be had yearely; and who euer neglects to attend the publick meetings, vpon notice given according to custome, of this toune, is to pay fwe shillings. By generall consent of the inhabitants of the toune. P me,

THOMAS HEARD, Toune Clearke.

This Court judgeth it meete to confirme this agreement of the toune of Kittery, & to stand in force during this Courts pleasure.

Y<sup>e</sup> inhabitants  
of Woronoak  
allowed to be a  
touneship, &  
called West-  
feild.  
Ans<sup>r</sup>.

There being a motion made to this Court in the behalfe of the inhabitants at Woronoake belonging to Springfield, that they may be a touneship of themselues, Springfield being willing thereto, as appeares p<sup>r</sup> copy of an order of that toune, vnder their record<sup>r</sup>s hand, w<sup>ch</sup> remajnes on file, this Court judgeth it meete to grant them to be a touneship, and allowes them, according as other tounes, all priuiledges, and that the sajd toune be called Westfeild.

Inhabitants of  
Oyster Riuer  
petition answe<sup>r</sup>.

In ans<sup>r</sup> to the petition of the inhabitants of Oyster Ryuer, the Court, by y<sup>e</sup>ir comitte<sup>e</sup>, hauing heard y<sup>e</sup> petitioners, w<sup>th</sup> what Cap<sup>t</sup> Walderne alleadged in behalfe of Douer, that that toune is not informed of this motion, & by perusing many papers presented in the case, together w<sup>th</sup> what is granted & yeilded on both hands, it is hopefull there may be an agreement & settlement of things betwixt themselues, w<sup>ch</sup> this Court comends to them, judging it best that they should jointly agree vpon termes w<sup>ch</sup> may be most advantagious to each other, & for publick good; and for that end judge it meet to respit the case till next sessions of this Court, when what they shall agree vpon may be

confirmed by this Court, or in case of non agreement, the petitioners to give notice in due season to their neighbours & brethren of their intendm̄ts further to prosecute this motion of being a touneship at the next sessions of this Court, that so they may haue an oppertunity to make answer thereto.

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19 May.

To the much hono<sup>r</sup>d the Generall Court of y<sup>e</sup> Massachusetts colony, assembled  
at Boston, 20 May, 69.

20 May.

Portsmouth  
adress.

The humble addresse of y<sup>e</sup> inhabitants of the toune of Portsmouth  
Humbly sheweth, —

That seeing by your meanes (vnder God) wee enjoy much peace & quietnes, & very worthy deeds are doñ to vs by the favorable aspect of the gouernment of this colony vpon vs, we accept it alwajes & in all places w<sup>th</sup> all thankfullnes; and thõ wee haue articulated w<sup>th</sup> yo<sup>r</sup>selues for exemption from publique charges, yett wee neuer articulated w<sup>th</sup> God & our oune consciences for exemption from grattitude, which to demonstrate, while wee were studying, the loud groanes of the sinking colledg, in its present low estate, came to our eares, the releiving of which wee account a good worke for the house of our God, & needfull for the perpetuating of knouledge, both religious & ciuil, among us, & our posterity after us, & therefore gratefull to yourselues, whose care & studdy is to seeke the welfare of our Israell. The premisses considered, wee haue made a collection in our toune of sixty pounds p annū, (& hope to make it more,) which sajd sūme is to be pajd annually for these seuen yeares ensuing, to be improoued, at the discretion of the honoured ouerseers of the colledge, for the behoofe of the same, and the advancement of good litterature there, hoping w<sup>th</sup>all that the example of ourselues (w<sup>ch</sup> haue been accounted no people) will provoke y<sup>e</sup> rest of the country to jealousy, (wee meane an holy emulation to appeare in so good a worke,) & that this honoured Court will, in their wisdomes, see meete vigerously to act for the diverting the sad omen to poore New England, if a colledge, begun & comfortably vpheld while wee were litle, should sinc, now wee are groune greate, especially after so large & proffitable an harvest that this country & other places haue reaped from the same.

Yo<sup>r</sup> acceptanc of our good meaning herein will further obleige vs to endeavo<sup>r</sup> the approving ourselues to be

Yo<sup>r</sup> thankfull & humble servants,

JN<sup>o</sup> CUTT,

RICHARD CUTT,

JOSHUA MOODY.

In the name & behalfe of y<sup>e</sup> rest of y<sup>e</sup> subscribers in y<sup>e</sup> toune of Portsm<sup>th</sup>.

1669.

20 May.

This addresse from y<sup>e</sup> inhabitants of y<sup>e</sup> toune of Portsmouth was p<sup>r</sup>sented by M<sup>r</sup> Richard Cutt & M<sup>r</sup> Joshua Moody, 20 May, 1669, & gratefully accepted of; & the Gouverno<sup>r</sup>, in the name of the whole Court mett together, returnd them the thanks of this Court for their pious & liberall gift to the the colledg therein.

As attests

EDW: RAWSON, Secre<sup>t</sup>y.

[\*641.]

27 3mo., 69.  
Courts ans<sup>r</sup>  
& grant to  
Mendon peti-  
tio, &c.

\*In ans<sup>r</sup> to the petition of the inhabitants of Mendon, the Court, finding that the place is but meanelly provided for of meadow, & that the distribution already made is but smale to them that haue the most, doe order & grant the sajd toune the meadow petitioned for, i. e., as appeares in a paper annext, being a ninety acres, w<sup>ch</sup> is on file, & is for the accomodating such persons among them as haue none, or any new comers to them. As to their other desire, the Court judgeth it meet to impower Colonel W<sup>m</sup> Croune to give the present constable his oath, & to give oath to the jury, as to y<sup>e</sup> vntimely death mentioned, & receive their virdict accordng to lawe; and also impower him to solemnize marriage in that toune of Mendon, so as the parties be residing in that toune, or at least one of them, according to lawe; & this to continue till this Court take further order. And to their request, that M<sup>r</sup> Bracket & M<sup>r</sup> Moses Pajne surrender vp their Indian purchase & other papers in their hands belonging to Mendon, the Court orders, y<sup>t</sup> they shall accordingly resigne & deliuer all vp to them, they performing and sattisfying to y<sup>e</sup> s<sup>d</sup> M<sup>r</sup> Bracket & Moses Pajne according to engagement to them; and as to that referring to their l<sup>j</sup>ne intrenching vpon a former grant to the Indians, the Court grants them liberty to extend their l<sup>j</sup>ne on the other side of them, according to what the Indian grants take of.

Sam. Chapins  
200 acres lajd  
out & confirmd  
on condi<sup>o</sup>n.

A plat of two hundred acres of land, w<sup>ch</sup> was granted to Sam<sup>l</sup> Chapin by the Generall Court 18<sup>th</sup> of May, 1664, returnd as lajd out, about fower miles from Mendon, bounded as in y<sup>e</sup> sajd plat, w<sup>ch</sup> is on file, was approved of by this Court, provided it exceed not two hundred acres, as also that it take not in any of the meadows now granted to Mendon; reserving liberty of wayes for toune or country, if neede be. Lajd out by

JOSEPH WHITE, &  
BENJAMIN ALBY.

Ans<sup>r</sup> to M<sup>r</sup>  
Elljots peti.  
for free schoole  
at Roxbury.

In ans<sup>r</sup> to the petition of the ffeoffees of the schoole of Roxbury, signed by M<sup>r</sup> Jn<sup>o</sup> Elljot & M<sup>r</sup> Thomas Weld, & for the due encouragement of the schoole at Roxbury, this Court doeth appoint Majo<sup>r</sup> Generall Leueret, M<sup>r</sup>

Edward Tyng, Mr Staughton, & Mr Thomas Shepheard, or any three of them, to be a committee to inquire into the true state of this affaire, to heare what may be said pro et con, endeavoring what in them lyes an amicable agreement & full settlement of that affaire amongst themselves, & if that cannot be obteyned, to make their report where the obstruction lyes, & what it is, to the next sessions of this Court, that so the obstructions may be remooued, & so good & pious a worke may be confirmed & determined according to the minde of the dono<sup>rs</sup> of so charitable a worke.

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In ans<sup>r</sup> to the petition of W<sup>m</sup> Salter, it is ordered, that Mr Anthony Stoddard & Mr W<sup>m</sup> Parks shall & hereby are impowred & desired to make such repaire of the prison house as may make it sufficient, & to that end they are impowred to impresse any workeman for effecting the same, & to charge bills on the country Tresurer, for defraying the charges.

Ans<sup>r</sup> to W<sup>m</sup>  
Salters peti-  
tion.

In ans<sup>r</sup> to the petition of Josiah Cobbet, & Mary, his wife, & of Jn<sup>o</sup> Ilsley, & Sarah, his wife, the matter of this petition having past thro two County Courts & a Court of Asistants, in all which the Court & juries past against the petitioners, & at the Court of Asistants a vnifisall concurrence of the Magistrates passed ag<sup>t</sup> them also, and therefore the Court sees no cause at all to grattefy the petitioners in granting them any further oppertunity to spend their estates, or give further trouble to this Court.

Ans<sup>r</sup> to Josiah  
Cobbets peti-  
tion.

Wee, the committee of the Generall Court, whose names are subscribed, being appointed & impowred to lay out, setle, & manage a plantation at or about Quansigamund Pond, twelue miles beyond Marlborough, in the roade way to Springfield & Hadley, which place is very comodious for the scittuation of a toune, the better to vnite & strengthen the inland plantations, and in all probabillity willbe advantagious for travellers, it falling neere midway betweene Boston & Springfield, and about a dayes journey from either. Wee hauing lately been vpon the place, to make an exact discouery & survey thereof, accompanjed w<sup>th</sup> sundry honest and able persons, that are uilling forthw<sup>th</sup> to setle themselves there, but finding some obstructions in the worke, which vnless this Court please to remoove, (and wee conceive they may justly doe it,) the proceedings will be vtterly hindred, and therefore wee shall humbly offer vnto the honoured Court, desiring help therein, —

1<sup>st</sup>. Wee finde that, though this place conteynes a tract of good vpland, yet it is much strightned for meadow, wee cannot finde aboue three hundred acres of meadow belonging to it w<sup>th</sup>in seuerall miles, but there are swamps and other moist lands that in time, w<sup>th</sup> labour & industry, may make meadow.

2<sup>dy</sup>. Wee finde there is a grant of one thousand acres vnto the ministry

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[\*642.]

Returne of  
cõmittee abt  
Quansiga-  
mond, &c.

of Malden, May the 7<sup>th</sup>, 1662, which grant is lajd out in this place, as in the booke of reccords, page 456. This farme containes a chojce tract of land in the center of this village, & swallows vp about one hundred acres of the aforesajd meadow; but the condition of the grant, as the reccord will declare, is, that it be improoved w<sup>th</sup>in three yeares after the grant \*for the ends wherefore it was granted, but that being not donne, for it is now about sixe yeares since, & no improovement made, wee apphend the grant is voyd, (but yet if the Court please to renue it in another place, wee speake not to oppose that;) but if it be continued & confirmed in this place, it will vtterly hinder the setting a plantation here.

3<sup>dy</sup>. There is another grant of land vnto Ensigne Nojes, deceased, lajd out in this place, conteyning two hundred & fifty acres of chojce land, w<sup>th</sup> a considerable quantity of meadow, lying in the heart of this place, & by him sold to one Ephrajm Curtis, a young man lving in Sudbury. Wee desire the Court will please to make voyd this grant, being not lajd out regularly for quallity or quantity, (as wee conceive,) & will very much prejudice this toun: the person concerned may haue this land in another place bordering vpon this toun, where there is sufficient to accomodate it, & also may haue a lott in this toun if he desire it.

4<sup>th</sup>. Whereas the Court in their grant of this toun hath reserved two or three hundred acres of land, w<sup>th</sup> a proportion of meadow, to be lajd out for the cõmon-wealth, if it please the Court (because of the streightnes for meadow) to abate that reservation, so far as it concernes meadow, it will greatly incourage the worke.

If y<sup>e</sup> honoured Court please to remoove these obstructions, wee hope it will not be long before this place be settled in a good way, for the honour of God & the publick good.

Pamaquesick  
on Chekaby  
Riſſ & Suck-  
quakege lands  
reserved for  
plantations.

The cõmittee hauing in their journey discouered two other places beyond this, to the westward, that will make two or three tounes, the one place called Pamaquesicke, lying vpon the head of Chekaby Riuer, the other place called Suckquakege, vpon Connecticot Ryver, (nearer to Boston then Hadley is,) we desire the Court will please to order that these places be reserved to make tounes, the better to strengthen those inland parts, & y<sup>e</sup> laying out of particular grants prohibited in the sajd places.

DANIEL GOOKIN,  
THOMAS PRENTIS,  
D. HENCHMAN,  
RIC: BEARES.

The Court approve of this returne, the second & third particulars as to Maulden farme & Curtis land excepted, & orders that the lands mentioned to be reserved for publicke vse, for two or three inland townes, be reserved for those ends.

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27 May.

In the case of Thomas White, plaintiff, ag<sup>t</sup> Robert Cross, defendt, the Crosses costs  
sajd White not prosecuting his action at this Court, the Court granted the ag<sup>t</sup> White.  
defendt his costs, i. e., sixteen shillings.

*\*Att the second Sessions of the Generall Court, held at Boston,  
the 12<sup>th</sup> of October, 1669.*

[\*643.]

12 October

PRESENT, Richard Bellingham, Esq<sup>r</sup>, Go<sup>v</sup>,  
Frā Willoughby, Esq<sup>r</sup>, Dep<sup>t</sup> Go<sup>v</sup>.  
Symon Bradstreet,  
Samuell Symonds,  
Daniel Gookin,  
Daniel Dennison,  
Symon Willard,  
Richard Russel,  
Thō Danforth,  
W<sup>m</sup> Hathorne,  
Eliazer Lusher,  
Jn<sup>o</sup> Leueret,  
John Pinchon,  
Edw<sup>o</sup> Tyng,

} Esq<sup>rs</sup>.

**Q**UÆST: What shallbe his punishment that hath had carnall copulation w<sup>th</sup> a child vnder eight yeares? The reason of the quæstion is, that it seemeth not to be a lesse offenc w<sup>th</sup> one of eight yeares then w<sup>th</sup> one aboue tenne yeares, w<sup>ch</sup> the lawe provides for; and in capitall cases where there is no positive lawe, the Generall Court must determine what the lawe is. The resolution of the quæstion is, that such a person ought to be punished w<sup>th</sup> some greivous punishm<sup>t</sup>.

Forasmuch as carnall copulation w<sup>th</sup> a woman child vnder the age of tenn yeares is a more heynous sin then w<sup>th</sup> one of more yeares, as being more inhumajne & vnnaturall in itself, & more perrillous to the life & well being of

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12 October.

the child, it is therefore ordered by this Court & the authority thereof, that whosoever he be that shall comitt or haue carnall copulation w<sup>th</sup> any such child vnder tenn yeares old, & be legally convict thereof, he shall be put to death.

Day of thanksgiving, Nov. 17.

The Lord having been very gracious vnto vs, hearing our prayers when wee cryed vnto him this last summer, for his sparing & pardoning mercy & compassions to be towards vs in stopping the botles of heaven, that by excessive rajnes then seemed to threaten a greivous famine among us, & together thereuith hath mercifully lengthened out the hearvest season, adding his oune special blessing to the ffuites of the earth for the releife of man & beast, farr beyond what in a vsuall course could haue been expected, it is ordered by this Court, that the 17<sup>th</sup> day of November next shall be sett a part, & solemnly kept by the people of this jurisdiction a day of thanksgiving vnto the Lord, & that the seuerall elders & ministers of the seuerall congregations give notice hereof seasonably to their respective people.

Question resolved.

Quest. Whether Treasurers, & other persons exempted by former lawes from paying country rates or county, are also free from payment of a penny on the pound on all goods imported, as in the late lawe is provided. The Court resolves this question on the negative.

Yorkshire Courts.

This Court, vnderstanding that the keeping of the County Courts of Yorkeshire is not so convenient for the county as some other place besides Yorke toune, this Court doe order & declare, & be it ordered & declared by the authority of this Court, that henceforth the County Courts of Yorkshire shall be kept by turnes at the toune of Wells & the toune of Yorke; & the next Court to be kept in that county is to be kept at the toune of Wells, at the times prefixt by lawe, & so in course.

Left La. Hamond capt.

It is ordered, that Leiftennant Lawrence Hamond be captajne, Ensigne Joshua Ted be leiftennant, & John Cutler be ensigne for the conduct of the ffoote company in Charls Toune, & that comissions be given out, according to lawe, vnto the seuerall persons for their comissionating of them to their seuerall charges.

Mr Willoughby 1000 aces.

This Court, considering that our honoured Deputy Governo<sup>r</sup>, Francis Willoughby, Esq<sup>r</sup>, hath as yet had no acknouledgment of the countrys respect to him, by grant of lands or otheruise, as haue been sheune to some others that haue not donne that publique service which he hath donne for this place, aswell in England as here, doe therefore grant him one thousand acres of land, to be lajd out in any place that may not prejudice a plantation.

Hauerill officers.

It is ordered, that George Broune be left<sup>t</sup>, and James Pecker ensigne, to Hauerill millitary company, vnder the conduct of Nathaniel Saltonstall, capt.

In ans<sup>r</sup> to the motion in the petition of seuerall y<sup>e</sup> inhabitants of Concord, Chelmsford, Billirrikey, Lancaster, Groten, the Court judgeth it meet, & doe order, that such persons living in the frontier townes w<sup>th</sup>in the county of Middlesex as are legally capacitated to lyst themselues troopers shall haue liberty to doe the same, vnder Thomas Wheeler, Senio<sup>r</sup>, of Concord, whom this Court appoints to be their leiften<sup>t</sup>; & for such others as are already listed in the other troope in that county that may find it more convenient to joyne in this new troope, they haue liberty so to doe, provided they doe it orderly & legally, & that a sufficient number be left in the old troope, according to lawe.

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New troope in  
Middlesex.

\*In ans<sup>r</sup> to the petition of Mr Jn<sup>o</sup> Pajne, humbly desiring the favour of this Court to confirme the vyrball sale of the late Jn<sup>o</sup> Euered aljas Webb of a peece of land at the north end in Boston, hauine paid fully for it, &c, the Court judgeth it meete to declare, that the petitioner hauing binn in possession so long as is testified on the oathes of W<sup>m</sup> Howard, Esdras Read, to the said petition annext, that, in case the oathes be taken before two magistrates, & recorded in perpetuam rej memorjam, & that he gett a deed from the administrator, it shall be a legall title to him.

[\*644.]

Courts ans<sup>r</sup> to  
Mr Jn<sup>o</sup> Paynes  
petition.

In the case depending betweene Theoder Atkinson, Señ, & Mr Habbacuk Glouer, coming to this Court by the Magist<sup>s</sup> refusing the virdict of the jury at the last Court of Asistants, the Court, on a full hearing of the case & persall of accom<sup>ts</sup> betweene them, doe finde for the said Atkinson costs of Courts, seven pounds one shillings & eight pence.

Courts judgment inte<sup>r</sup> Atkinson & Glouer.

In ans<sup>r</sup> to the petition of Mary Gallop, widdow, humbly desiring the favo<sup>r</sup> of this Court that she might be enabled to sell some part of the land belonging to hir late husband Samuel Gallops estate, that she may pay the just debts & repaire the wharfe, the Court grants hir requests, in granting hir liberty & authority to sell part of y<sup>e</sup> land, not exceeding one hundred pounds, for y<sup>e</sup> ends aforesajd, & releif of hirself & children.

Ans<sup>r</sup> to Mary Gallops petition.

Lajd out a farme for Capt Hudson, of Boston, of three hundred acres, at Wayding Ryver, & rvns vpon a l<sup>j</sup>ne nere west one hundred & sixty rodde to a walnut tree that wee marked w<sup>th</sup> a marking iron; & from that walnut tree vpon a l<sup>j</sup>ne neereabout northwest fifty rodde to a great pond that Wading Ryver comes out of; and from that part of the pond it is bounded by the pond about one hundred rod to a smale black oake marked; and from that smale blacke oake it runs about north east & by north forty five rod to a white oake; & from thence to another white oake fifty six rod in length; & from that white oake a line of marked trees one hundred & seventy rod eastward to

Capt W<sup>m</sup> Hudson farme of 300 acres lajd out at Wading Ryver.

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a stake w<sup>th</sup> a heap of stones about it, a litle of the east side of Seacuncck Path ; & from that stake vpon a ljne towards the south two hundred & twelue rodde ; & from thence vpon a ljne fifty rod to Wading Ryuer towards the west, the place wee begann at, as may further be demonstrated by the plott. This land was lajd out accordingly, as is aboue described. Dated the 19 October, 1669.

By me, JOSHUA FISHER.

Daniel Fisher also consenting, asisting in laying out this tract of land, by order of this Court.

The Court allowes & approoves of this returne, & orders that the two hundred acres, pt of the grant yet vnlajd out, adjoining to what is aboue returned, provided it intrench not on former grants.

Newbery milit.  
officers reff'd to  
Mr Gen. Leu-  
er<sup>s</sup>.

It is ordered, that the settling the millitary officers at Newbery be referred to the Major<sup>r</sup> Generall Leueret, till the Court of Election next.

Ans<sup>r</sup> to Con-  
cord petiōn as  
to a new plan-  
tation.

In ans<sup>r</sup> to the petition of some of the inhabitants of Concord, it is ordered, that Leif<sup>t</sup> Wheeler, of Concord, Deacon John Heynes, of Sudbury, James Parker, of Groaten, John Moore, of Lancaster, & W<sup>m</sup> Kerly, of Marlborough, shall & hereby are appointed a comittee to vejw the tract of land mentioned in the petition, at the charge of the petiōners, & make their report to this Court of the quallitje & quantity thereof at the next Court of Election, whither it be capeable (if the farmes be lajd to it) to make a village ; then the Court will consider of the request of the petiōners, & doe therein what may be for the publicke good.

Jn<sup>o</sup> Gilman  
lef<sup>t</sup> at Exitur.

The Court, vnderstanding that there is about sixty souldjers in Exitur, & that no comission officer is sett ouer them, John Gilman is by this Court appointed to be leiftennant to the military company at Exitur, & that the secretary issue out a comission to him, according to lawe, that so he may excercise the company as the lawe requires.

Jn<sup>o</sup> Gerrish  
q<sup>r</sup>ter m<sup>r</sup> of  
Portsmouth &  
Dour<sup>r</sup> troope.

This Court judg it meete to appoint John Gerrish to be quarter master to the troope raysing in Portsmouth & Dover.

[\*645.]

Courts judgm<sup>t</sup>  
in Freaks &  
M<sup>r</sup>shalls case.

\*In the case of M<sup>r</sup> John Freake, ag<sup>t</sup> Robert Marshall, defendant, coming to this Court, by the bench at the last Court of Asistants not concurring w<sup>th</sup> the jury's virdict, it is ordered that the case be referred to the due examin<sup>n</sup>ation & consideration of M<sup>r</sup> Edward Tyng, M<sup>r</sup> Humphrey Davy, & M<sup>r</sup> Anthony Stoddard, a comittee as auditors appointed by this Court, to call the partjes before them, (for w<sup>ch</sup> end the partjes are enjoyned to attend,) & make their report of what they shall finde to the next Generall Court, for their full determination & issue, the charges to bee allowed by the parties.

The grant of this Court to Richard Heildreth, of Chelmsford, of one hundred & fifty acres of wast land, lajd out by David Fiske, surveyor, & bounded w<sup>th</sup> Concord lyne on the south east, Cap<sup>t</sup> Daniel Gookins farme northerly, & the wildernes elsewhere surrounding, according to a plot returnd, & is on file w<sup>th</sup> the reccords of this Court, w<sup>ch</sup> the Court allowes & approoves of.

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12 October.  
150 acs to  
Rich. Heildreth allowed  
as lajd out.

Through some vnexpected occurrents of Providence, wee finde ourselues unavojdeably debarred from the oppertunity of gayning that cleare & full vnderstanding of the true state of things referring to the schoole in Roxbury, w<sup>ch</sup> is necessary to our making that report to this honoured Generall Court, in the present session thereof, as is meet; only wee thinke it very expedient that the present schoole master be encouraged in his worke by the due payment of his sallery from tyme to tyme, according to agreement, & untill this honoured Court shall take further order about that affaire.

Return of  
comittees abt  
Roxbury  
schole.

JN<sup>o</sup> LEUERET,  
EDWARD TING,  
W<sup>m</sup> STOUGHTON,  
THOMAS SHEPHEARD.

It is ordered, that the comittees aboue mentioned be impowred to finish what was comitted to them in that matter, making their returne thereof to the next Court of Election.

The bounds & extents of the Reuerend Mr John Higginson farme, as it is now lajd out vpon the exchange w<sup>th</sup> the country, according to the order & grant of a honored Generall Court the last sessions of the sajd Court, in October, anno Domini 1668. The ffarme containeth seven hundred acres or thereabouts, bounded vpon the east w<sup>th</sup> Hauerill lyne, to the southward to a black or red oake, being the corner bounds betwix the land sould by Jeremiah Belchar to Mr Adkinson & Mr Higginsons, & bounded vpon the south by the land of Mr Atkinson, to a great pond, formerly called Hauerill Bound Pond, & is bounded w<sup>th</sup> a heape of stones & trench at the south east corner of the pond next Mr Adkinson; & is bounded by the sajd pond vpon the west vntill it cometh cleare of the ponds east end, & then it rangeth westward by the side of the sajd pond, to the land of Jeremiah Belchar, & is bounded by the land of the sd Belchar on the west, vntill it comes to the land of Mr Cobbet, there being a crosse trench in the diuiding line betweene Mr Higginson & Belchar, & a tree marked next the pond & heape of stones, & a white oake tree, marked next Mr Cobbet, which white oake was the auntient bound marke

Mr Higginsons  
farme as ex-  
change w<sup>th</sup> y<sup>e</sup>  
country lajd  
out & con-  
firmed.

1668. of Hauerills perpendicular ljne, & thenc raingeth east cleere of M<sup>r</sup> Cobbet, & bounded vpon M<sup>r</sup> Cobbets vpon the west, to a stooping white oake tree, marked w<sup>th</sup> T C & I H; & ffrom thence runneth northerly to a black oake tree, marked on the north side of a brooke, commonly called the westernmost branch of Spicket Riuer, there being a heape of stones erected by the sajd tree; & from thence it rangeth easterly, & is bounded w<sup>th</sup> the countrys land vpon the north, vntill it comes to Hauerill ljne, that being the land that M<sup>r</sup> Higginson lajd doune to the country, in consideration of this aboue mentioned, & the bound marke betwixt Hauerill & M<sup>r</sup> Higginson; at the east end of the north ljne is a crosse trench, & a heape of stones, the number of rods that is in euery ljne being set doune in the ljne, & what point of the compass euery ljne rangeth on, & calculated according to art of survey by him whose hand is herevnto subscribed.

12 October.

JOSEPH DAUIS,  
HENRY PALMER,  
NATHAN PARKER.

The Court allowes & approoves of this returne.

Courts liberty  
granted to  
Henry Sayword  
as to timber,  
&c.

In answer to the petition of Henry Sayword, humbly desiring the favour of this Court to grant him a quantity of land & meadow, w<sup>th</sup> liberty of timber vpon the riuer comonly called Cape Porpus Riuer, & the land adjacent, the Court judgeth it meete to grant the petiōner liberty for the cutting of timber vpon the sajd riuer aboue mentioned, for the improouement of his saw-mill, so as he intrench not vpon any mans propriety.

[There is no page \*646.]

[\*647.]  
Agreem<sup>t</sup> be-  
twene Woo-  
borne & Billirri-  
ca as to yeir  
ljne.

\*In relation to the diferences betweene Wooborne & Billirrica, about the ljne betweene the two tounes, it is aduised by Leif<sup>t</sup> Beeres and Cap<sup>t</sup> Wheeler, who were two of the comittees formerly appointed by the Generall Court, and agreed on by *by* Captaine Johnson, Leif<sup>t</sup> John Carter, Ensigne W<sup>m</sup> Johnson, & Josiah Conuers, on the behalfe of Wooborne, & by M<sup>r</sup> Jonathan Danforth on the behalfe of *of* Billirrica, for a finall end of the differences aforesajd; that the line of diuission between the two tounes last made by Ensigne Sherman, by order of the comittees of the Generall Court, shall stand as it doeth. And whereas Francis & John Weymans, Senio<sup>r</sup>s, haue their present habitations neere the ljne aforesajd, & enjoying much of their liuelyhood & benefit at both tounes, and may pertake of the publicque ordinances in both places, they, the sajd Weymans, shall contribute equally to both tounes in all publicke charges, both ciuil & ecclesiasticall. This is humbly presented to the hono<sup>r</sup>a-

ble Generall Court, if they please in their wisdomes to confirme the same, for preventing future differences. Don in Boston this 21 October, 1669.

1669.

21 October.

RICH: BEERES,  
EDWARD JOHNSON,  
JOHN CARTER,  
WILLIAM JOHNSON,  
JOSIAH CONNEY,  
TYMOTHY WHEELER,  
in the behalfe of Wooborne;  
JONATHAN DANFORTH,  
in behalfe of Billirrica.

The Court doeth consent to & confirme the aboue said agreement, that the Weymans shall æqually contribut to both tounes in all publicque charges, &c, and to be vnderstood the halfe of what they should haue payd to either toun if they had been wholly in either of them, & that Wooborne shall take the valluation of the Weymans estates for the country rate as formerly, and give a true account of the same añually to Billirrica, who shall haue power annually to demand & receive all toun charges (according to this order) of the said Weymans, as if they were inhabitants. The Court allowes, & approoues, & confirms the agreement aboue, as it is heere explained.

Weymans rate-  
able to both  
tounes.

In ans<sup>r</sup> to the petiçõn of Jabesh Buckmaster, Mary Steevens, Dorcas Corbin, & Sarah Lawrence, &c, it is ordered, that the County Court in Boston shall & is hereby fully impowred to send for all partjes concerned in the matter exprest in the petiçõn, and after a due hearing of what each party cann say, to issue & determine the case according to law & æquity.

Courts ans<sup>r</sup> to  
Jabesh Buck-  
master peti-  
çõn.

Whereas much time haue been spent in debateing matters of difference that haue arisen among the colonjes, whereby the confederation seemes to be greatly weakened, and at present vseless, the cõmissioners of the seuerall colonjes now assembled doe agree to cõmend it to the seuerall Generall Courts, that ag<sup>t</sup> the meeting of the next Generall Court for election in the Massachusetts colony, some meet persons may be chosen & sent from the colony<sup>s</sup> of Pljmouth & Conecticot, invested w<sup>th</sup> full power to treat & conclude of such articles as they shall mutually agree vpon for the reestablishment of the confæderation betweene the Vnited Colonjes.

Sept. 13, 1669.  
Cõmissioners  
of y<sup>e</sup> colonjes  
proposall.

Signed,

SYMON BRADSTREET,  
JOS: WINSLOW,  
JN<sup>o</sup> WINTHROP,  
THO: DANFORTH,  
JN<sup>o</sup> TALCOTT.

1669.

21 October.

This agreement of the commissioners being read in the Generall Court, the Court concurs therew<sup>th</sup>, provided nothing be concluded w<sup>th</sup>out the approbation of the Generall Court.

Commissioners  
for assess-  
ments to bring  
in their bills of  
charge.

On the motion of the commissioners for the seuerall sheire townes, that, according to the order of the Generall Court, met together in the seuerall sheire townes of this jurisdiction, & perfected the assessments of the seuerall townes, & transcribed them to the Tresurer, according to law, ffor w<sup>ch</sup> service & duty performed for the country at such a season of the yeare, they conceive it but æquall justice that this Court should consider them for their tyme & paynes taken therein, who are ready to serve the country as in duty bound.

EDW: JOHNSON,  
HOPESTILL FOSTER,  
OLLIUER PURCHIS,  
SAMUEL APLETON,  
JOHN WAYTE,  
SAMUEL DALTON.

It is ordered, that the subscribers bring in their bills of charge.

[\*648.]

Courts judgm<sup>t</sup>  
Harrington &  
Shermans case.

\*In the case now depending betweene Rob<sup>t</sup> Harrington, pl<sup>t</sup>, & Ensigne Jn<sup>o</sup> Sherman, defend<sup>t</sup>, co<sup>m</sup>ing to this Court by the disagreement betweene the bench & jury at the Court of Asistants, the Court, on a full hearing of the case, & p<sup>er</sup>vsall of the evidences produced in the same, doe finde for the plaintiff, Robert Harrington, sixe pounds damage, & eight pounds three shillings & eight penc costs.

Courts judgm<sup>t</sup>  
in Goues case.

In the case now depending betweene Edward Gove, plain<sup>t</sup>, against the toune of Salisbury, defend<sup>t</sup>, co<sup>m</sup>ing to this Court by the Magistrates refusing the virdict of the jury at the last Court of Asistants, the Court, on a full hearing of the case & evidences therein produced, the Court doe finde for the sajd Gove his full proportion of land in all the diuissions that haue been made in the sajd toune, æquivalent in each diuission to other inhabitants, or, in defect thereof, forty pounds, & this to be donne in three months time, & costs of Court, sixe pounds tenn shillings.

Courts judg-  
ment in Cooks  
case, &c.

In the case now depending betweene Leiften<sup>nt</sup> Richard Cooke, attorney to M<sup>r</sup> Thomas Heywood, pl<sup>t</sup>, ag<sup>t</sup> Olliu<sup>er</sup> Purchis, administrato<sup>r</sup> to the estate of the late Edward Lane, defend<sup>t</sup>, coming to this Court by the Magis<sup>ts</sup> in the Court of Asistants last refusing the virdict of the jury, the Court, on a full hearing of the case & evidences therein produced, they find for the plaintiff the

forfeiture of the band, that is to say, forty pounds, payable in England, or in curreant money of England, or what is æquivalent therevnto, & costs of Courts, three pounds eight shillings & three pence. 1669.

21 October.

In the case of M<sup>r</sup> Adam Winthrop, pl<sup>t</sup>, ag<sup>t</sup> Cap<sup>t</sup> John Appleton, defend<sup>t</sup>, coming to this Court for its triall by their petition, the Court, hauing duely heard & considered of the evidences in the case produced, w<sup>th</sup> the pleas of each party joyning issue in the case, they finde for the defend<sup>t</sup>, Cap<sup>t</sup> Jn<sup>o</sup> Appleton, his costs of Court, and that the plaintiff pay as costs for the hearing of the case fower pounds.

Courts judgm<sup>ts</sup>  
in M<sup>r</sup> Win-  
throps case, &c.

In ans<sup>r</sup> to the petiçōn of Cap<sup>t</sup> Richard Walderne & Cap<sup>t</sup> Thomas Lake, the Court judgeth it meete to grant the petitioners a hearing of the case mentioned therein at the next Court of Election, the petitioners giving due notice, & seasonably, to the saj<sup>d</sup> Leonard Weeks & others concerned to attend the issue thereof.

Ans<sup>r</sup> to Cap<sup>t</sup>  
Walderne &  
Lakes petiçōn.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Jn<sup>o</sup> Payne, humbly desiring the fauor of this Court to allow & confirme of two hundred acres of land lajd out in right of the late Reuerend M<sup>r</sup> John Norton, of whom he purchasd it, & is layd out, in obedience to a grant of the Generall Court vnto the Reuerend M<sup>r</sup> John Norton, late teacher to the church at Boston, two hundred acres of land, more or lesse, begining at the extreame norwest angle of Sudbury bounds, runing a lje betweene Sudbury & the farme vpon a south & by west point, half a point westerly, two hundred & eighty rod; and from thence a lje vpon a north-west & by west point, one hundred twenty & fower rodde; & from thence a lje vpon a north & by east point, halfe a point easterly, two hundred & eighty rodde; & from thence a lje of one hundred twenty & fower rodde, ending where wee begann, namely, at the north west angle of Sudbury bounds, crauing this returne may pass & be recorded. Lajd out by Thō Noyse, in the yeare 1663, for Jn<sup>o</sup> Payne, assignee of the Reuerend M<sup>r</sup> Jn<sup>o</sup> Norton. The Court haue past this returne, & allow thereof.

200 acres of  
land gr<sup>ted</sup> to  
M<sup>r</sup> Norton lajd  
out to M<sup>r</sup> Jn<sup>o</sup>  
Payne.

In ans<sup>r</sup> to the petition of George Walton, the Court judgeth it meete to grant the petitioner a hearing of his case, mençōned in his petiçōn, at the next Court of Election, he giving security to the Court for y<sup>e</sup> charge in hearing the case.

Ans<sup>r</sup> to Wal-  
tons petiçōn.

In ans<sup>r</sup> to the petition of Freegrace Bendall, in behalfe of Cap<sup>t</sup> Samuell Scarlet, humbly desiring the favour of this Court, to impower the administrator to the state of the late John Euered alias Webb, of whom the saj<sup>d</sup> Scarlett bought & pajd for a farme, to give the saj<sup>d</sup> Scarlet such assurance as may be legall, —

Ans<sup>r</sup> to Cap<sup>t</sup>  
Scarlets peti-  
çōn.

1669.

21 October.

The Court judgeth it meete to declare, that if the petiōner produce two evidences, on oath taken before two magistrates, that the deceased in his lifetime sold the same, & record it in perpetuam rej memoriam, & get a deed from the administrator, the title shall be good in lawe.

[\*649.]

Courts judgm<sup>t</sup>  
inter Wadley  
& Mr Symonds.

\*In ans<sup>r</sup> to the petition of Rob<sup>t</sup> Wadleigh, complayning of being illegally dispossessed of a house, mill, & other estate, by virtue of an execution on a judgment given against Nicholas Leeson, at the County Court in Norfolke, in Aprill, 1668, Henry Roby, attorney to & for Robert Wadley, appeared & publickly engaged himself & heires to stand to & sattisfy the charge of this Court, in & for the hearing of this case, the Court, on a full hearing of the case, & what hath binn alleadged by the ptjes therein, doe judge that the petitioner hath binn illegally dispossessed, & order, that he be repossessed in the sajd estate, & haue the costs of this Court, fifty fower shillings, besids y<sup>e</sup> charge of y<sup>e</sup> Court.

Courts deter-  
minate issue  
betwene y<sup>e</sup> in-  
habitants of  
the west & east  
side of Hadley  
by a comittee.

This Court, in May last, (in answer to a petition from Mr Russell & Mr Gooduind, in the name of the church of Hadley,) having explajned their meaning in a former order, referring to the procuring & mainteyning of a minister on the west side of the riuer at Hadley, yett allowing liberty, that if either the inhabitants on the east side, or those on the west, were vnsattisfied in that explication of the Courts order & setlement of land for mainteyning of each minister, that then a comittee of vnconcerned persons should be impowred by this Court to repajre to the place, & there drawe a line of diuission of land for maintenance of each minister, w<sup>ch</sup> should be a full issue of further debates about it.

And now, for asmuch as the inhabitants on the east side of the riuer at Hadley haue sent a writting subscribed in their names by their selectmen, & p<sup>re</sup>sented to this Court by their deputy, whereby they declare themselues vnsattisfied w<sup>th</sup> the Courts explication of their order, & offer to give their reasons thereof to any appointed by this Court for that end, —

This Court doe therefore now order & appoint Cap<sup>t</sup> Eliaz<sup>r</sup> Holyoak, Leif<sup>t</sup> Thomas Cooper, Quarter m<sup>r</sup> George Colton, Mr John Strong, Leiu<sup>t</sup> David Wilton, Samuell Marshfeild, & Rouland Thomas, allowing liberty to each party to except against one of the sd comittee if they see cause so to doe, & then the other five, or any three of them; or in case none be excepted ag<sup>t</sup>, then the major part of the seven, who are to repaire to Hadley, and to the west side of the riuer, & vppon their veyw of the land, & hearing what may be alleadged by both partyes, they are to setle & determine what land shall belong to the maintenance of the minister on one side, & what to the maintenance of

the minister on the other side of the riuer; and the aforesajd cõmittee are hereby fully impowered to drawe & setle the līne of diuision of their land accordingly, and are to make returne thereof to the secretary ag<sup>t</sup> the next Court of Election, to be by him entred in the Court reccords, and this to be a full & finall issue of all differences betweene them.

1669.

21 October.

In ans<sup>r</sup> to the humble petition of M<sup>r</sup> John Litlebury, the Court hauing seene & perused the returne of the cõmittee, & finde that the petiōner hath not made to appeare any right to the lands mentioned in his petition, & knowing that seuerall parts of Portsmouth & Hampton, for many yeares, haue been settled on that land, judge it meete to referr the petitioner to a due course of lawe for recouering of his right, if he legally make appeare he hath any, & orders the Tresurer, in regard of his lowe condition, to take ord<sup>r</sup> for his passage to England, that he returne to his relations, & for his p<sup>ri</sup>uion by the way. And in further ans<sup>r</sup> to his humble motion to consider his low condiōn, & want of freinds & meanes in London, & to afford him some further releife, by ordering M<sup>r</sup> Christopher Clarke, when arived, to suply him w<sup>th</sup> monys till he cann trauaile to Holy Island, neer Baruick, &c, the Court judgeth it meet to grant the petitioner five pounds, to be payd him according to his desire.

Ans<sup>r</sup> to Cap<sup>t</sup>  
Litleburys pe-  
tiōn.Courts favor to  
M<sup>r</sup> Litlebury.

Cap<sup>t</sup> Thomas Clarke, preferring a petition the last session of this Court, for hearing of a case between himself & Cap<sup>t</sup> W<sup>m</sup> Daus & Cap<sup>t</sup> Thomas Willet, joint execcutors to the estate of the late M<sup>r</sup> W<sup>m</sup> Paddy, w<sup>ch</sup> was referred to be heard this session, but for some consideration is now deferred to the next Court of Election for a full hearing, in order wherevnto this Court judgeth it meete to order, appoint, & impower M<sup>r</sup> Edward Tyng, M<sup>r</sup> Humphrey Davy, & M<sup>r</sup> Peter Lidget, a cõmittee to examine all accounts & matters now in difference betweene them touching the sajd estate, M<sup>r</sup> Ting to appoint t<sup>me</sup> & place of meeting, making a true returne of the whole state of y<sup>e</sup> case to the sajd Court of Election for issue, provided y<sup>t</sup> Cap<sup>t</sup> Clarke, y<sup>e</sup> petiōner, defray the chardges of the meeting.

Cap<sup>t</sup> Clarks  
case to be  
heard at y<sup>e</sup>  
Court of Elec-  
tion, a cõmit-  
tee.

1670. *\*Att a Generall Court of Election, held at Boston, the 11<sup>th</sup> of May, 1670.*

11 May.

[\*651.]

**R**ICHARD BELLINGHAM, Esq<sup>r</sup>, was chosen Governo<sup>r</sup>, & tooke his oath.

Francis Willoughby, Esq<sup>r</sup>, was chosen Deputy Gov<sup>r</sup>.

Symon Bradstreet, & Comission<sup>r</sup> for colonjes,

Sam<sup>l</sup> Symonds,

Daniel Gookin,

Daniel Dennison,

Symon Willard,

Richard Russell, & Tresurer,

Thomas Danforth, & Comission<sup>r</sup> for Vnited Colonjes,

W<sup>m</sup> Hathorne, Comissio<sup>r</sup> 2<sup>d</sup> in reserv,

Eliazer Lusher,

John Leueret, & Major Generall, & Comission<sup>r</sup> in reserv,

John Pinchon,

Edward Tyng,

Esq<sup>s</sup>, were  
chosen Asist-  
ants, & tooke  
their seuerall  
oath.

Edward Rawson, gent<sup>l</sup>, was chosen Secretary, & tooke his oath.

The names of such as were returned to serve as deputjes for their respective townes : —

Cap<sup>t</sup> George Coruin, M<sup>r</sup> Edmond Batter, Salem.

M<sup>r</sup> W<sup>m</sup> Stiltson, Cap<sup>t</sup> John Allen, Char<sup>t</sup> Tō.

Cap<sup>t</sup> Hopetil Foster, M<sup>r</sup> W<sup>m</sup> Sumner, Dor<sup>ch</sup>.

Cap<sup>t</sup> Thō Clerke, M<sup>r</sup> Anthony Stoddard, Boston.

M<sup>r</sup> W<sup>m</sup> Parks, Rox<sup>b</sup>.

M<sup>r</sup> Edw<sup>l</sup> Collings, M<sup>r</sup> Edw<sup>l</sup> Oakes, Camb<sup>ř</sup>.

Lef<sup>t</sup> Rich Beeres, Water Tou<sup>l</sup>.

M<sup>r</sup> Olliuer Purchis, Lynn.

Cap<sup>t</sup> Jn<sup>o</sup> Apleton, Ipswich.

M<sup>r</sup> Edw<sup>l</sup> Woodman, M<sup>r</sup> Hen<sup>l</sup> Sewall, 1 se<sup>s</sup>, New<sup>b</sup>.

M<sup>r</sup> Thō White, Weymouth.

Cap<sup>t</sup> Joshua Hubbard, Hingham.

M<sup>r</sup> John Smeadley, Concord.

M<sup>r</sup> Peter Woodward, Dedham.

Cap<sup>t</sup> Elitzar Holyoake, Springfeild, 1 <sup>ẽ</sup>.

Cap<sup>t</sup> Rob<sup>t</sup> Pike, Salisbury, 1 <sup>ẽ</sup>.

M<sup>r</sup> Samuel Dalton, Hampton.

Mr Rich Swann, Rouley.

Left Edmōd Quinsey, Braintry.

Cap<sup>t</sup> Rich Waldern, Leif<sup>t</sup> Rich Cooke, Douer.

Cap<sup>t</sup> Edw<sup>o</sup> Johnson, Wooborne.

Mr John Cutts, Portsmouth.

Cap<sup>t</sup> Nath Saltonstall, Hauerill.

Cap<sup>t</sup> Jn<sup>o</sup> Waytee, Maulden.

Left W<sup>m</sup> Clarke, Mr W<sup>m</sup> Holton, Northampton, 1 s̄.

Mr Peter Tilton, Mr Heñ Bridgam, Hadley, 1 s̄.

Mr Samuel Bradstreet, Andover, 1 s̄.

Cap<sup>t</sup> Edw<sup>o</sup> Hutchinson, Kittery, 1 s̄.

Mr Francis Neale, Falmouth & Scarborough, 1 s̄.

1670.

11 May.

Cap<sup>t</sup> Thomas Clarke was chosen Speaker for y<sup>r</sup> session for y<sup>r</sup> deputies.

\*To prevent calumie or reproach & prejudice to this colony, & the inhab- itants & trade thereof, it is ordered, that no person shall henceforth trade or trucke w<sup>th</sup> any vessell that shall arrive vpon our coast, vntill the same shall come vnder comānd, & ride in our vsuall harbours, & haue acknowledged the government as the lawe prouides, vpon the pœnaltjes of forfeitures of all such goods traded, & such further punishment as the Court of Asistants shall adjudge. [\*652.]  
Trade w<sup>th</sup> ships  
till vnder  
comānd phibit-  
ed, &c.  
Prss.

The General Court being informed that there is a ship riding in a roade at the Isle of Shoales suspected to be a pirat, & hath piratically seized the sajd ship & goods from some of the French nation in amity with the English, & doeth not come vnder comānd, this Court doeth declare & order, that neither the sajd ship or goods, or any of the company, shall come into our jurisdiction, or be brought into any of our ports, vpon pœnalty of being seized vpon, & secured, to answer what shallbe justly objected against them. Corts declara-  
tion ag<sup>t</sup> ye ship  
at Isle of  
Shoales, pub-  
lisht in Boston  
by beat of  
drume, &c, 27  
May, 1670.

Whereas the great sin of gaming increaseth w<sup>th</sup>in this jurisdiction, to the great dishonor of God, corrupting of youth, & expending of much pretious time & estate, for the prevention of w<sup>ch</sup>, & as an addition to the law, title Gamīg, &c, this Court doeth declare, and be it ordered by the authoritje thereof, that what person or persons soeuer shall bring into this jurisdiction any playing cards or dice, or w<sup>th</sup> whomsoever such cards or dice be found in his or their custody, he or they shall pay, as a fine, the sum of five pounds, the one halfe to the treasury, the other to the informer; but in case any such cards or dice shall come into the custody of any person w<sup>th</sup>out his knowledge or consent, if he shall carry them vnto the next magistrate or comīssioner, Addition to law  
of gam<sup>s</sup> w<sup>th</sup>  
cards or dice.  
  
Pœnalty 5<sup>l</sup>, &c.  
Prss.

1670.

27 May.

within two dajes after his knowledge of them to dispose of them as the sajd magistrate or comissioner shall see cause, any such person shall be free from the pœnaltje ; and if any person that hath plajed or gamed, and shall give information thereof, he shall be freed from the pœnaltje of the law to pay treble damage, but shall haue no further benefit of the law by his information ; and also, any such persons testimony shall be good in law for one testimony against any that shall breake this law. And it is also declared, that it is & shallbe in the liberty of the Court, or judges that shall determine any such case, to punish the transgressor or transgressours of this law by imposing the fine, or otheruise by corporall punishment, as they shall judge best, any law, vsage, or custome to the contrary notw<sup>th</sup>standing.

Fish salted & spotted w<sup>th</sup> Turtoodas salt not merchantable. P<sup>rss</sup>.  
Publisht by posting in 8 townes.

Whereas, by the blessing of God, the trade of fishing hath been advantageous to this country, w<sup>ch</sup> is like to be much impaired by the vse of Turtoodas salte, w<sup>ch</sup> leaues spotted vpon the fish, by reason of shells & trash in it, for prevention thereof, this Court doeth order, & be it hereby enacted, that all such fish as is salted w<sup>th</sup> Turtoodas salte, & thereby spotted as abouesajd, shall not be accounted for merchantable ffish ; and all sworne cullers of fish are hereby required to haue speciall regard to the fullfilling of this order, any law or custome to the contrary notw<sup>th</sup>standing.

Mackerell for barrelling not to be catcht till after 1st July anually ; y<sup>e</sup> was publisht by posting. P<sup>rss</sup>.

This Court, being informed that the taking of mackerell at vnseasonable times doe greatly diminish their increase, & uill in the issue tend to the spoyle of the trade thereof, doe order & enact, that henceforth no mackerell shall be caught except for spending whiles fresh, before the first of July, anually, on pœnalty of loss of the same, the one halfe to the informer, & the other half to the vse of the country ; & any magistrate or County Court is impowred to act herein to all intents & purposes for the execution of this lawe.

Law for customes as to Plimouth & Conecticut suspended, &c. P<sup>rss</sup>.

Itt is ordered, that that parte of the lawe for customes relating to our neighbo<sup>rs</sup> of Kennecticott & Plimouth shall & is hereby suspended as to the execution thereof till this Court shall take further order therein.

Order for repaying Rumney Marsh highway.

Whereas the country highway ouer some part of Rumney Marsh was lajd out long since, from a point of vpland to the Written Tree, and the sajd way was neuer made passable, but, in stead thereof, a causey or bridge hath binn made in another place, which hath been made vse of, but is now & hath binn often out of repaire, it is ordered, that the selectmen of Boston shall take speedy care to make & mainteine a sufficient causey or bridge ouer the marsh & creeke where y<sup>e</sup> way was lajd out first, or to see & cause the causey and bridge that is already made to be sufficiently repaired, & so kept from time to time.

[\*653.]

Committee to take y<sup>e</sup> Tres<sup>rs</sup> accot.

\*Cap<sup>t</sup> Thomas Clarke, Cap<sup>t</sup> John Allen, & Cap<sup>t</sup> Hopestill Foster are

hereby appointed & intreated to take the Tresurers accounts some time this summer, & to make returne thereof to the next sitting of this Court. 1670.

The Generall Court, being sencible of Gods hand vpon the country sundry yeares, in diuers afflicting providences, haue been desirous to inquire into the causes thereof, & amongst others doe conceive these following may be considered; i. e., a selfish spirit, minding more our owne things then the things of Christ, & of private before publick good; too much slightnes & negligence in prizing & improoving the gove'ment & order, both civil & sacred, in church & co'monwealth; a great & generall neglect of instructing & governing the rising generation, both in familjes & churchès; a cooling of former life & heate in spirituall co'munion; too great neglect in some places, of a comfortable vpholding & providing for the outward subsistance of sundry faithfull ministers; too much decay of love to God & one to another, & harboring groundles jealousies, accompanied w<sup>th</sup> whisperings, backbitings, w<sup>ch</sup> wayes tend to seporate very freinds; too great abounding of sin amongst vs, as pride, luxury, drunckenes, oppression, vncleanes, & divers others; these, w<sup>th</sup> many other sins, that the Lord may, vpon inquiry, convince this people of, wee desire may be confessed, bewayled, & a thorough reformation indeavored, and for this purpose the Court doe appoint the sixteenth day of June next for a day of humiliation, to be kept throughout this jurisdiction, & doe co'mend it to the churches, elders, ministers, & people to keepe the same solemnly & seriously accordingly.

Resolved, vpon the question, that the power of the Associates Courts in the county of Yorke, for determiñg of all matters, civil & criminall, is the same that it was before the defection of the inhabitants from this government. Resolved on the affirmative, by the whole Court mett together, 31 May, 1670.

In ans<sup>r</sup> to the motion of the deputjes of Norfolk, it is ordered, that Cap<sup>t</sup> Daniel Gookin shall & hereby is appointed to keepe the County Courts at Hampton & Salisbury, w<sup>th</sup> the associats of Norfolk, for the yeare ensuing.

And this Court doe further order & impower Cap<sup>t</sup> Nathaniel Saltonstall, Cap<sup>t</sup> Robert Pike, & M<sup>r</sup> Samuel Dalton w<sup>th</sup> magistraticall power for the yeare & ensuing, & that euery of them may doe & execute w<sup>th</sup>in their respective townes where they live, & not elsewhere, what euer any magistrate may legally doe.

In ans<sup>r</sup> to the motion & requests of the deputy for Scarborough & Falmouth, it is ordered, that M<sup>r</sup> Thomas Danforth shall & hereby is apointed to keepe the County Courts at Portsmouth & Wells for the yeare ensuing; and doe also appoint Cap<sup>t</sup> Richard Waldern, M<sup>r</sup> Jn<sup>o</sup> Cutts, Cap<sup>t</sup> Richard Cutts, & M<sup>r</sup> Elias Stileman to be co'missioners, & doe hereby impower them w<sup>th</sup> magis-

27 May.

Order for 16 June to be kept as a solemn day of humiliation.

31 May.

Associats Courts power in Yorks y<sup>e</sup> same y<sup>t</sup> was.

Cap<sup>t</sup> Gookin to keep Court in Norfolk.

Cap<sup>t</sup> Saltonstall, Cap<sup>t</sup> Pike, & M<sup>r</sup> Daltons co'mission.

M<sup>r</sup> Danforth to keepe Courts at Portsmouth & Wells.

Cap<sup>t</sup> Waldern, M<sup>r</sup> Jn<sup>o</sup> Cutts, Ric: Cutts, & M<sup>r</sup> Elias Stilemans co'mission.

1670.

31 May.

tratticall authority for Yorksshire, & to help keepe the Associate Courts there, as many of them y<sup>t</sup> shall please to attend it, w<sup>th</sup> w<sup>th</sup> those y<sup>t</sup> are now or may be chosen in y<sup>e</sup> county of Yorke to act in y<sup>e</sup> County Courts, as also Associates Courts there.

Way to aug-  
ment ffreemen.

And in answer to their request for y<sup>e</sup> augmentation of freemen, this Court declares, y<sup>t</sup> it is the best expedient to obtaine the ends desired that those parts furnish themselues w<sup>th</sup> an able, pious, & orthodox minister, & comend that to them, according to the order of the County Court.

Mr Neals re-  
lease.

Mr Francis Neale, at his request, is dismist from his attendanc on y<sup>e</sup> ser vice of this Court. Mr John Cutts had y<sup>e</sup> like liberty granted to him.

Liberty of  
plantiff or  
defend<sup>t</sup> in  
Portsmouth  
& Dou<sup>r</sup> Asso-  
ciate Courts to  
appeale to y<sup>e</sup>  
County Courts.

On a motion of the deputjes of Douer & Portsmouth, in behalfe of most of the ffreemen there, that, whereas they haue power in their Associate Courts to try any case vnder twenty pounds, and finding no lawe where they may appeale but to the Court of Asistants, the actions many times being very smale, & is great charge to come to Boston for euery smale case, it is their desire that the Court would grant them an order that any person cast or condemned may appeale to the County Court held in Douer or Portsmouth, & y<sup>t</sup> some persons may haue magistratticall power in that county, as formerly, the Court judgeth it meete to grant their request; and it is ordered, that henceforth it shall be in the liberty of plaintiffe & defendants, in all cases triable before the Court of Associates in Portsmouth & Dover, to appeale to their next County Court in Douer or Portsmouth, as in other cases, any custome or vsage to the contrary notw<sup>th</sup>standing.

[\*654.]

Cap<sup>t</sup> Waldern,  
Mr Cutts &  
Mr Stillmans  
comission.

\*Cap<sup>t</sup> Richard Walderne, Mr Jn<sup>o</sup> Cutts, Cap<sup>t</sup> Richard Cutts, & Mr Elias Stileman, & euery of them, are appointed & jmpowred w<sup>th</sup> magistratticall power, as any one magistrate, to act in all cases for the yeare ensuing in Portsmouth & Douer.

Cap<sup>t</sup> Rob<sup>t</sup> Pike  
s<sup>j</sup>ant major  
for Norfolke &  
Pascataq.

Whereas the militia of the county of Norfolke & the Riuer of Piscataqua are at an vnsettlement for want of a serjant majo<sup>r</sup>, vnder whose comand they might be drawne together & exercised in regimentall service, as the law directeth; and by long experience it is found difficult for them to make their addresse to the majo<sup>r</sup> generall & Majo<sup>r</sup> Dennison for to order the militia in those parts, whose care & loue towards them haue been seuerall wajes manifested, according to what the former occasions haue been; and seeing that those parts are now increast to such a competent number as may be capeable of regimentall exercise, this Court judgeth it meete to appoint Cap<sup>t</sup> Robert Pike to be serjant majo<sup>r</sup> ouer the military companys of the county of Norfolke & Pascataqua.

Mr Bratle cor-  
net of y<sup>e</sup> troop  
of horse in  
Suffolke.

Mr Thomas Bratle is chosen & appointed cornet to the troope of horse in the county of Suffolke, in steed of the late Cap<sup>t</sup> Peter Olliuer, deceased.

Whereas there is a great want of law bookes for the vse of seuerall Courts and inhabitants in this jurisdiction at present, & very few of them that are extant or compleat, conteyning all lawes now in force amongst vs, it is therefore ordered by this Court, that Major Eliaz<sup>r</sup> Lusher, Capt<sup>t</sup> Thomas Clarke, Capt<sup>t</sup> Edward Johnson, Capt<sup>t</sup> Hopestill Foster, Capt<sup>t</sup> George Corwin, & Capt<sup>t</sup> Joshua Hubbard, or any fflower of them, whereof Major Lusher to be one, shall & hereby are appointed to be a comittee to pervse all our lawes now in force, to collect & drawe vp any literall erro<sup>r</sup>s, or misplacing of words or sentences therein, or any libertjes infringed, and to make a convenient table for the ready finding of all things therein, that so they may be fitted ffor the presse, & the same to present to the next session of this Court, to be further considered off & approved by the Court.

1670.

31 May.  
Comittee to  
prepare the  
laws for y<sup>e</sup>  
presse.

Paul Parker appearing before the Court, & being by his oune confession convicted of being a gamester at dice, & sundry demonstrations given of his being a very ill example to the youth of the place, this Court doe sentence him to pay as a fine to the country tenn pounds, & y<sup>t</sup> he be bound, w<sup>th</sup> two sufficient suretjes, in two hundred pounds sterling for his good behaviour & observance of the lawes against that vnlawfull practise, vnlesse he depart the colony w<sup>th</sup>in one moneth, & not to retourne againe w<sup>th</sup>out licence first had & obteyned from the Governo<sup>r</sup> or council. Parkers case.

In the case of M<sup>r</sup> John Freake ag<sup>t</sup> M<sup>r</sup> Robert Marshall, defend<sup>t</sup>, coming to this Court by disagreement of the bench & jury at the Court of Asistants, the Court, on a hearing of the case, finde for the sajd Freake costs of Courts, nine pounds one shilling & six pence. M<sup>r</sup> Freake ag<sup>t</sup>  
M<sup>r</sup> Marshall.  
Exec. issued  
out 20 Jan., 70.

In the case depending betweene Nathaniel Chickering, first plaintiff, at a County Court at Boston, against Mary Judson, widdow, & executrix of hir deceased husband, Samuell Judson, defendant, coming to this Court by disagreement betweene bench & jury at the Court of Assistants, the Court, on a full hearing of the case, together w<sup>th</sup> pleas & evidences on both partj<sup>s</sup>, finde for the plaintiffe, Nathaniel Chickering, what euer was given or bequeathed to the sajd Chickering his deceased wife by her father, either in houses, lands, or mooveables, deducting out of such bequests a just proportion of debts due to any person at the death of the sajd Judson, or other necessary charges about the funerall, & necessary expences in preserving the estate; and for a settlement thereof, Major Generall Jn<sup>o</sup> Leuerett, Capt<sup>t</sup> Foster, & M<sup>r</sup> W<sup>m</sup> Parks are appointed a comittee & invested w<sup>th</sup> full power to examine all accounts about the sajd estate, and to doe what euer is necessary as to the issue of the differences, according to the determination of this Court, & to make retourne Courts judgm<sup>t</sup>  
in Chickering's  
case ag<sup>t</sup> Jud-  
son.  
Execution is-  
sued out for y<sup>e</sup>  
5<sup>th</sup> (5<sup>th</sup> Febr<sup>y</sup>),  
74.

1670.

31 May.

Courts judgm<sup>t</sup>  
ment inter  
Angier &  
Boardman.

Courts judgm<sup>t</sup>  
in Waltons  
case.

[\*655.]

1670.

800 acres of  
land to Mr  
Seaborn Cot-  
ton, &c.

Mr Prince  
power to marry  
at Hull.

Courts resolu<sup>e</sup>  
y<sup>t</sup> its not law-  
full for a man  
burying his  
first wife to  
marry hir  
nat<sup>l</sup> sister.  
Left Way dis-  
chardged his  
leftenship at y<sup>e</sup>  
Castle on his  
request.  
Archelaus  
Woodman  
left, Stephen  
Greenleafe en-  
signe to New-  
bury company.

Courts judgm<sup>t</sup>  
in Barefoot ag<sup>t</sup>  
Clements, &c.

thereof at their next session; & the said Chickering was granted his costs, five pounds eight shillings & eight pence.

In the case of Edmond Angier, pl<sup>t</sup>, ag<sup>t</sup> W<sup>m</sup> Boardman, administrator to Stephen Day, the Court, after a full hearing of both parties, finde for the defend<sup>t</sup> costs of Courts.

George Walton complayning to this Court, by petition, of wrong donne by the County Court at Portsmouth for taking away of his land at Fort Point, vpon the great island in Portsmouth aforesaid, the Court, having inquired into the grounds of his complaint, heard & perused all his pleas & evidences in y<sup>e</sup> case, doe judge, that he, the sd Walton, hath no ground of complainte, nor hath any legall or true title to y<sup>e</sup> land in question, & doe therefore conferme \*the determination of the said County Court at Portsmouth, and orders the said Walton to pay five pounds for the Courts hearing of the case.

In ans<sup>r</sup> to the motion of Mr Seaborne Cotton, the Court judgeth it meet to add to the sixe hundred acres formerly by this Court granted to the late Reuerend Mr John Cotton two hundred acres more, & doe hereby order & impower Cap<sup>t</sup> Rob<sup>t</sup> Pike & Mr Samuel Dalton to lay out the whole eight hundred acres, w<sup>ch</sup> is to be divide among the children of the said Mr Jn<sup>o</sup> Cotton, deceased, as his other estate was appointed by his last will, the said land to be lajd out where it may be found.

In answer to a motion made to this Court by the inhabitants of Hull, Mr John Prince is empowered to solemnize marriage between such as are duly published there in that toun, according to lawe.

In ans<sup>r</sup> to the quæstion, whither it be lawfull for a man that hath buried his first wife to marry w<sup>th</sup> hir that was his first wiues naturall sister, the Court resolves it on the negative.

In ans<sup>r</sup> to the humble motion of Left Richard Way, earnestly & humbly desiring the favour of this Court to dischardge him the servic of his being left of the Castle, & receive up his comission for y<sup>t</sup> employment, the Court judgeth it meete to grant him his request.

This Court hauing left it to the care of a majo<sup>r</sup> generall to make temporary prouission for military officers at Newbury, who did appoint Archelaus Woodman to be left & Stephen Greenleafe ensigne to the said company, which said appointment being sattisfactory to this Court, they are hereby confirmed & allowed, and are to haue comissions accordingly.

In the case depending betweene Edward Cleoments, first plaintiff, at a Comissioners Court held at Portsmouth, against Walter Barefoot, defend<sup>t</sup>, in an actjon of the case for w<sup>th</sup>holding five pounds, & coming to this Court by the Magistrates refusing the virdict of the jury at the Court of Asistants,

the Court, on a full hearing of the case, & evidences therein, doe finde for the defend<sup>t</sup>, viz<sup>t</sup>, Barefoote, & costs of Courts, fifty eight shillings & two penc, besides eleven shillings & six penc cost at Court of Asistants. 1670.  
31 May

Robert Wadleigh, plaintiff, by petition to the Geñ Court, against Walter Barefoote, defend<sup>t</sup>, for not fullfilling the judgment of the sajd Court in May, 1669, viz<sup>t</sup>, to give a legall conveyance of the land in controversie, the Court, on a hearing of the case, & what hath been alleadged therein, doe find for the defendant, i. e., Barefoote, he having fullfilled the sajd judgment of Court, & the Court granted him, the defendant, thirty two shillings costs. Courts judgment in Barefootes case & Wadleighs.

In the case depending betweene James Pecker, plaintiff, at the last Court of Asistants, against M<sup>r</sup> Symon Bradstreet & M<sup>r</sup> Edward Tyng, defend<sup>ts</sup>, in an accōn of appeale from the judgment of the last County Court at Salem, coming to this Court by reason of the Magis<sup>ts</sup> refusing the virdict of the jury at the last Court of Asistants, the Court, on a hearing of the case, & perversall of all the evidences, doe finde for the defendants twenty pounds in money, & costs of Courts, reuersing the judgment of the County Court at Salem. Courts judgment inter Pecker & M<sup>r</sup> Bradstreet & M<sup>r</sup> Tyng.

In the case now depending betweene Cap<sup>t</sup> Thomas Clarke & Cap<sup>t</sup> W<sup>m</sup> Davis, plaintiff, by petition to this Court, against Phillip Lewis, Nath Frye, & others, in an action of the trespasse, lately tryed at a Court of Asistants, about the title of a farme vpon Piscataqua Riuer, called by the name of Greenland farme, the Court, on a full hearing of the case, & all evidences therein, doe finde for the peti<sup>c</sup>ōners a reuersion of the judgment of the sajd Court of Asistants, & that the plaintiffs pay five pounds for y<sup>e</sup> hearing of the case, & y<sup>e</sup> defendants pay all their costs, thirteen pounds fourteen shillings & foure pence. Courts judgment inter Cap<sup>t</sup> Clarke & Cap<sup>t</sup> Davis ag<sup>t</sup> Phillip Lewis, &c.  
Exec. issued out 30 Sep<sup>r</sup>, 1670, for 13, 14, 4. E. R., S

In the case of Cap<sup>t</sup> Thomas Clarke, by his peti<sup>c</sup>ōn, plaintiff, ag<sup>t</sup> Cap<sup>t</sup> Thomas Willet & Cap<sup>t</sup> W<sup>m</sup> Davis, execcuto<sup>rs</sup> to the last will of M<sup>r</sup> Paddy, defend<sup>t</sup>, the Court, hauing heard the allegations of both partjes, & evidences produced in the case, doe finde for y<sup>e</sup> defend<sup>ts</sup> costs of Court, & order Cap<sup>t</sup> Clarke pay five pounds for the hearing of the case. Courts judgment inter Cap<sup>t</sup> Clarke, plaintiff, & Cap<sup>t</sup> Davis, defend<sup>t</sup>.

\*In pursuance of the appointment of the honored Generall Court, May the 19, 1669, & further renewed October y<sup>e</sup> 12, 1669, appointing vs referrees to inquire into the true state of the matter of a peti<sup>c</sup>ōn presented in the name of the ffeoffees of the schoole in Roxbury, signed by M<sup>r</sup> John Elliot & M<sup>r</sup> Thomas Weld, wee, hauing read the papers presented by the persons concerned, & heard their seuerall allegations, doe finde that, in the yeare 1645, there was an agreement of many of the then inhabitants of Roxbury for the laying a foundation for a schoole for the instruction of youth in litterature, & [\*656.]  
Returne of the comitte as to Roxbury schoole.

1670.

31 May.

that the schoole worke, that hath been carried an end in that toune, hath been pformed vpon that foundation, & that there hath not any other prouission at any time been made for the promoting of litterature amongst the youth there ; wee finde, also, that many of the present inhabitants are strongly desirous that that foundation may be incouraged, who doubt not but, by the countenance of the authority of this Court, they shallbe able to carry an end the worke effectually to the ends proposed ; wee finde, also, that seuerall of the inhabitants doe strongly oppose the way proposed, & that hath been in practise, as declared by the petiçoners, yet doe not finde that they propound any other effectuall way ; but some of them, desirous that this maybe altered, provided another may be settled first that might be more acceptable to them, yet they declared that they feared if the way that hath been formerly attended be wholly waued, they should haue no schoole at all, therefore desire that the way that hath been, & yet is, maybe continued & established, rather then that there should be no schoole ; and forasmuch that, by the indeaues wee haue vsed to perswade them to a mutuall agreem<sup>t</sup>, wee finde not any desireable effect, nor that the temper of those opposing the former foundation is incouraging, that by any other indeavours they will be perswaded, the premisses considered, wee conceive that the petiçoners desires should be graunted in granting a confirmation of the schoole at Roxbury, & to be a free schoole for all in that toune, & that the present ffeoffees, & their successo's, chosen as by that agreement, be confirmed & impoured as to collect former subscriptions, so to take in others, & to collect what rents, by donation or otherwise, may arise due to them ; and that those whose names are not in this booke, two wittnesses appealing vpon oath to prooue they did assent & agree to the way of the booke, be oblinded, & their heires and assignes, as if their names had binn therevnto ; wee also conceive that the land of Lawrence Whittamore be improoved to the best good of the toune in being settled vpon the ffree schoole ; all w<sup>ch</sup> we submit to y<sup>e</sup> wisdom & determination of this honnoured Court.

JOHN LEUERETT,  
EDWARD TING,  
W<sup>m</sup> STAUGHTON,  
THOMAS SHEPHEARD.

May 19, 1670.

The Court allowes & approoves of this returne, & orders that an order be draune vp accordingly.

Whereas certeine of the inhabitants of Roxbury, out of a religious care

of their posterity, & their education in good litterature, did heretofore sequester & sett a part certain sūmes of money, amounting to twenty pounds, to be paid annually vnto certeine ffeoffees, & their successo's, by the said dono's or ffeoffees, orderly chosen, for the sole & only behooffe, benefit, & setlement of a free schoole in the said toune of Roxbury, obliging themselues, heires, executo's, & assignes, together w<sup>th</sup> theire houses & homesteads, for the true & full performance of their respective obligations, all which doeth fully appeare by their agreem<sup>t</sup>, bearing date the last of August, one thousand sixe hundred forty & five, in which agreement the originall dono's were wisely suito's to the Generall Court for the establishment of the premisses, according to which a petiōn was preferred, in the name of the present feoffees, to the Generall Court, holden at Boston, May 19<sup>th</sup>, 1669, in answer of which the Court impowered a coūmittee fully to take cognizance of & returne the case to the Court, w<sup>ch</sup> accordingly was donn, as appeares by their returne dated May 19<sup>th</sup>, 1670 ; after serious consideration whereof, this Court doeth hereby order & enact, that the said agreement, made & signed by the dono's of the said summe of money the last of August, 1645, be by our authority rattified & established to all intents, ends, & purposes therein specified, both with respect to the orderly chojce & power of the ffeoffees, as also for the tyme & manner of the *\*of the* payment of the said sūmes of money, distinctly to be yeilded & paid by the dono's of the same according to their respective subscriptions ; & in case of refusall of payment of any part of the said sums of money to which subscription is made, or consent legally proved, that the orderly distresse of the ffeoffees vpon the respective estates obliged shallbe valid for the payment of any such sūmes of money so refused to be paid ; as also this Court, by their authority, doeth setle & determine the lands of Lawrenc Whittamore, w<sup>th</sup>all the rents & arrearages that haue or may arise from the same, to be received & improved by the said ffeoffees to the vse, behoofe, & benefit of the free schoole in Roxbury, w<sup>ch</sup> said ffeoffees are hereby impowred for the ordering of all things for the setlement & reparation of the schoole house, chojce of master, & order of schollers, to improue all donations, either past or future, for the behoofe & benefit of the said schoole, w<sup>th</sup>out any personall or privat respects ; as also the ordering of twenty acres of arrable land, lying in the great lotts, which hath binn in occupation for the said schoole about twenty yeares ; as also that if, for the necessary & convenient future being of a schoolemaster, there be necessary the future levyng of any further sūmes of money, that the said dono's be absolutely & wholly ffree from any such levy or imposition, those onely being accounted dono's who are possesso's of, or responsible for, the said sūmes of money according to subscription ; and the said ffeoffees to

1670.

31 May.

[\*657.]

Order confirm-  
ing Roxbury  
free schoole.

1670.

31 May.

be always responsible to the Court of Asistants & dono<sup>r</sup>s for their faithfull discharge of theire trust, provided there be constant provission of an able grammer schoolemaster, & the schoole house be settled where it was first intended, & maybe accomodable to those whose homestalls are ingaged towards the maintenance thereof; and in case there be neede of further contribution, that the levy be æqually made on all the inhabitants, excepting only those that doe, by virtue of their subscriptions, pay their full proportion of the annuall charges.

Major Willard,  
M<sup>r</sup> Russell, &  
M<sup>r</sup> Leu<sup>t</sup> comit-  
tee for Marl-  
borough.

The Court, considering the honoured Gouverno<sup>r</sup>s age, & the Dep<sup>ty</sup> Gouverno<sup>r</sup>s infirmitje, doe release them from being of the comittee for the toune of Marlborough, & doe appoint Major Willard to joyne w<sup>th</sup> M<sup>r</sup> Russell & Major Generall Leueret, to be a comittee to regulate that affaire, to all intents & purposes as the former comittee were authorized to doe.

Cap<sup>t</sup> Marshall  
dischardg as to  
marrying, &c.

The Court, being informed that Cap<sup>t</sup> Thomas Marshall hath of late married some persons not legally published, on the examination of the case, finde that he was abused by the misinformation of some, by his oune ouer much credulity, and that he hath exceeded the comission by marrying persons not living in the toune, w<sup>ch</sup> might be occasioned vpon some mistake of the extent of his comission, w<sup>ch</sup> this Court hath now more clearly explicated, to prevent the like inconvenience, & judge meet to dischardge the said Cap<sup>t</sup> Marshall from officiating in that imployment, & any further attendance on this Court for this cause.

Hope Allin &  
Jn<sup>o</sup> Pease fined  
12<sup>u</sup>.

Hope Allin & John Pease, being sent for, appeared in Court, & y<sup>e</sup> said John Pease acknowledged, that notwithstanding the counsell of the major generall, who had declined y<sup>e</sup> marrying of M<sup>r</sup> Deacon to Hope Allins daughter, he did accompany them to Lynn, to Cap<sup>t</sup> Marshall, &c, and Hope Allin declared he did give his consent y<sup>t</sup> y<sup>e</sup> said M<sup>r</sup> Deacon should haue his daughter, & told Cap<sup>t</sup> Marshall y<sup>t</sup> he hoped they might be legally published before y<sup>t</sup> time, &c, the Court judged it meet to censure the said Hope Allin to pay tenn pounds as a fine to the country for his irregular procedure, & John Pease forty shillings.

Comittee to  
runn & finish  
y<sup>e</sup> patent line  
betweene vs &  
Plimouth.

Cap<sup>t</sup> Josh.  
Hubbard &  
Lef<sup>t</sup> Josh.  
Fisher.

[\*658.]

Artillirys com-  
pa. 1000 acres  
of land to be  
laid out, &c.

The patent lje betweene the colony of Pljmouth & this jurisdiction not being finished, as to that part of it from Accord Pond to the sea, it is ordered that Cap<sup>t</sup> Joshua Hubbard & Leiftenn<sup>t</sup> Joshua Fisher shall & hereby are appointed comissioners to joyne w<sup>th</sup> such of Scittuate as shall be by that go<sup>u</sup>ment appointed to finish that worke, according to agreement formerly made betweene the two colonies, & the sea bounds well and sufficiently to make out, & make returne thereof to the next Court of Election.

\*In ans<sup>r</sup> to the motion of seuerall officers of the artillery company in

Boston, itt is ordered, that the thousand acres of land formly granted to them, & not lajd out, be lajd out in any place where it may be found not already granted, & returne thereof made to this Court.

1670.

31 May.

In ans<sup>r</sup> to the petiçon of the toune of Hampton, humbly desiring the fauo<sup>r</sup> of this Court to support them vnder the great charge of their causey ouer the marsh, for diuers reasons rendered in their petiçon, the Court judgeth it meete to declare that they see no cause to grant their request, but leave it to the Court of that county to act therein, & to lay it on the county, or leave it on the toune, as they shall see cause.


Ans<sup>r</sup> to Hamp  
tons petiçon.

In ans<sup>r</sup> to the petiçon of Henry Pellington, humbly acknowledging his fault in giving in votes for a magistrate, &c, the Court judgeth it meete to abate the petiçoner five pounds of the fine the lawe imposeth on him, & respits the fower pounds tenn shillings till this Court shall see cause to call for it.

5<sup>th</sup> abated of  
Henry Pelling  
tons fine, & 4<sup>th</sup>  
10<sup>th</sup> respitted,  
&c.

Mr Thomas Henchman is appointed to be cornet, for the present, of the troope in Middlesex, vnder Leften<sup>nt</sup> Wheelers conduct.

Tho. Hench-  
man cornett to  
new troop in  
M<sup>d</sup>sex.  
Naticks brand  
m<sup>k</sup>ke.

Vpon the request of the Indians inhabitting the toune of Naticke, that the Generall Court would appoint them a toune brand for their catle, it is ordered, that a bow & arrow, in this forme,  be the brand marke for that toune

Springfeild, Aprill 14<sup>th</sup>, 1670.

Wee, whose names are here subscribed, being a comitteee appointed by the toune of Springfeild for the laying out of the quantitje of sixe miles square granted to Westfeild by the honored Generall Court, haue attended the sajd worke, and therefore doe hereby declare how their sajd quantity of land is lajd out to them: Five miles broade at the northerly end thereof, extending from a pine tree, marked, at the east mounteyne, to a white oake, marked, at the west mountejne, & it runneth in length southerly nine miles, that is to say, from the sajd pine tree, holding the course of the south-south west point vpon the meriddian compass, and at the southerly end of their nine mile their ljmitts are fower miles broad westward, and the ledge of moun-tejnes is to be the bounds betweene Springfeild & Westfeild. W<sup>th</sup>in this tract of land there is conteyned the quantity of about three square miles of land granted before by Springfeild to Westfeild, & about the quantity of two square miles in refference to the farmes of the worthy Majo<sup>r</sup> Atherton, deceased, & Cap<sup>t</sup> Clap.

Westfeild  
bounds.  
p<sup>a</sup>. 621.

ELIZUR HOLYOKE,  
GEORGE COULTON,  
SAMUELL MARSHFEILD,  
ROWLAND THOMUS.

The Court allowes of y<sup>s</sup> returne.

1670.

31 May.  
Hattfeild  
bounds.

In answer to the petition of the inhabitants of Hadley on the west side of the riuer, that they may be allowed to be a toune of themselues, distinct from Hadley on the east side, the deputy of Hadley certifying that that toune haue consented to release them if this Court doe approoue thereof, &c, this Court doe therefore allow them on the west side of the riuer to be a toune-ship, distinct from them on the east side of the riuer, and doe grant them a tract of land westward, sixe miles back into the woods from the great river; their southerly bounds to be Northampton northerly bounds, & the land which Hadley reserves to themselues, & from their sajd southerly lĳne to runne vp the riuer northerly vpon the square sixe miles; there northerly bounds likewise to runne backe from the great riuer sixe miles westward, as before, reserving proprietjes formerly granted to any person; and that this toune be called Hattfeilds.

Courts judge-  
ments inter  
Cap<sup>t</sup> Waldern,  
Cap<sup>t</sup> Lake, pl<sup>t</sup>,  
ag<sup>t</sup> Leonard  
Weeks, def.

In the case now depending betweene Cap<sup>t</sup> Richard Walderne & partners, first plaintiffs, at a County Court held at Douer, ag<sup>t</sup> Leonard Weeks, defend<sup>t</sup>, in an action of trespassse, for cutting & carrying away timber of Squampscot patent land, & coming to this Court by petition from the sajd Cap<sup>t</sup> Walderne & Cap<sup>t</sup> Lake, the Court, on a full hearing of the case, & all the pleas & evidences therein doe find for the plaintiffs five shillings damage, & costs of Courts twenty two pounds one shilling.

Land set apart  
a new planta-  
tion betweene  
Springfeild &  
Windsor.

In answer to the petiĳōn of seuerall inhabitants of Springfeild, humbly desiring the favour of this Court to grant them a tract of land betweene Springfeild & Westfeild, the Court judgeth it meete to order, that there be a convenient quantity of land betweene Springfeild, & Westfeild, & Windsor as may be, for a plantation, when any considerable number shall appeare to make present improouement therefor.

[\*659.]

Ans<sup>r</sup> to Mr  
Cobbetts peti-  
ĳō.

\*In ans<sup>r</sup> to the petition of Mr Thomas Cobbet, the Court declares that the petiĳōner, or any other creditor, is at liberty to sue the administrato<sup>r</sup>s of the estate of the late Mr Vallentine Hill, or any one of them, for the recouery of theire just debts.

Land reserved  
for a new plan-  
tation.

In obedience to an act of the Generall Court in 1669, wee, whose names are subscribed, haue surveyed that tract of land that was petitioned for by some of the inhabitants of Concord, environed w<sup>th</sup> Concord, Sudbury, Lancaster, Marlborough, Groaten, & Nashoby, and find in it by estimation as followeth, viz<sup>t</sup>: ten thousand acres of countrys land, whereof five hundred acres of it is meadow; the greatest parte of it is very meane land, but wee judge there will be planting land enough to accomodate twenty families; also, there is about fower thousand acres more of land that is taken vp in farmes, whereof about fūe

hundred acres of it is meadow ; there is also the Indian plantation of Nashoby, that doeth border on one side of this tract of land, that is exceeding well meadowed, and they doe make but litle or no vse of it. Wee leaue this honnoured Court to judge of it, & subscribe ourselues,

Yo<sup>r</sup> humble servants,

JOSEPH WHEELER,  
JN<sup>o</sup> HAYNES,  
WILLJAM KERLY,  
JOHN MOORE.

1670.

31 May.

The Court, considering this returne, doe grant y<sup>t</sup> tract of land surveyed by them vnto George & John Heyward, Joseph Wheeler, Sydrack Habgood, & the rest of the petiōners, w<sup>th</sup> others that shall joyne w<sup>th</sup> them, to make a village, provided the place be settled w<sup>th</sup> not lesse then tenn familjes w<sup>th</sup>in three yeeres, & that a pious, orthodox, & able minister be mainteyned there. And it is further ordered, that Cap<sup>t</sup> Daniel Gookin, M<sup>r</sup> Thomas Danforth, & M<sup>r</sup> Joseph Cooke, of Cambridg, or any two of them, be a co<sup>m</sup>ittee to order & regulate the settling this village in all respects, till this Court take further order therein.

In ans<sup>r</sup> to the petition of the toune of Braintry, subscribed by their selectmen, humbly desiring this Courts favo<sup>r</sup> to confierme vnto them their sixe thousand acres, granted to them for their engagement in a place they haue found, lying betweene their touneship & Plimouth, &c, the Court sees no cause to grant this petition.

Courts ans<sup>r</sup> to  
Braintry peti  
con.

In ans<sup>r</sup> to the motion of Phillip Lewis, in the behalfe of Leonard Weekes, humbly desiring the favour of this Court to remitt the costs granted against him by this Court, the Court sees no cause to grant his request.

Ans<sup>r</sup> to Phil  
lip Lewis his  
petiōcon.

Cap<sup>t</sup> John Peirce his accounts relating to the ship Royall Exchange, that transported this Courts present in the masts, &c, sent vnto his majesty, was presented & read in open Court, w<sup>th</sup> his bill to the Tresurer of the colony for two hundred & two pounds thirteen shillings sixepence, currant money of England, & payable in London on demand ; all which lyes on the Courts file, 1670.

Cap<sup>t</sup> Jn<sup>o</sup> Peirce  
his accounts  
relating to y<sup>e</sup>  
Courts present  
of masts to y<sup>e</sup>  
kings maj<sup>ty</sup>.

It is ordered, that M<sup>r</sup> Bradstreet, M<sup>r</sup> Danforth, & majo<sup>r</sup> generall are appointed a co<sup>m</sup>ittee, & hereby invested w<sup>th</sup> full power & authority to treat w<sup>th</sup> the co<sup>m</sup>ittee or co<sup>m</sup>issioners of Conecticot & Plymouth for the debating the differences that haue risen among the colonjes, in relation to the drawing vp of

Co<sup>m</sup>ittee for &  
conc. y<sup>e</sup> Vnited  
Colonjes.

1670. meete articles for the confederation, and present the same to the next Generall Court.

31 May.

This Court is adjourned to the second Tuesday in October next, at one of the clocke, being 11<sup>th</sup> day of the same.

[\*660.] \**Att the second Sessions of the Generall Court, held at Boston,*  
11 October. *the 11<sup>th</sup> of October, 1670.*

PRESENT, R<sup>i</sup> Bellingham, Esq<sup>r</sup>, Go<sup>v</sup>,  
2 Frauncis Willowghby, Dep: Go<sup>v</sup>,  
2 M<sup>r</sup> Symon Bradstreet,  
M<sup>r</sup> Sam<sup>l</sup> Symonds,  
Cap<sup>t</sup> Da<sup>n</sup> Gookin,  
Majo<sup>r</sup> Da<sup>n</sup> Denison,  
M<sup>r</sup> Rich Russell, 1 day 4,  
M<sup>r</sup> Th<sup>o</sup> Danforth,  
Maj<sup>r</sup> W<sup>m</sup> Hathorne,  
Maj<sup>r</sup> Eliaz<sup>r</sup> Lusher,  
Maj<sup>r</sup> Ge<sup>n</sup> Jn<sup>o</sup> Leueret,  
Cap<sup>t</sup> John Pynchon, &  
M<sup>r</sup> Edw Tyng.

THE Court mett at the tyme appointed, and adjourned till eight of the clocke in the morning, being the twelfth day of instant October, 1670.

12 October.

The Court mett at the tyme appointed.

This Court, being informed that the taking of mackerell at vnseasonable times doe greatly diminish their increase, & will, in the issue, tend to the spoyle of the trade thereof, doe order and enact, that henceforth no mackerell shall be caught, except for spending while fresh, before the first of July, annually, on pœnalty of the losse of the same; the one halfe to the informer, and the other halfe to the vse of the country; and any magistrate or County Court is impowred to act herein to all jntents & purposes for the execution of this lawe.

Whereas, by the blessing of God, the trade of fishing hath been advantageous to this country, which is like to be much impajred by the vse of Turdoodars salt, which leaues spotts vpon the fish, by reason of shells & trash in it, for prevention thereof this Court doeth order, and be it heereby enacted, that

all such ffish that is salted with Turtoodars salt, & thereby spotted as aboue-sajd, shall not be accounted for merchantable fish ; and all sworn cullers of fish are hereby required to haue speciall regard to the fullfilling of this order, any lawe or custome to the contrary notw<sup>th</sup>standing.

1670.

12 October.

Whereas the law, title Payments, page 63, doeth make corne, catle, & ffish æquall w<sup>th</sup> money, and to be pajd as money when money is indented for, which at that tyme, when the law was made, was as good as money, but now is otherwise, and prooveth prejudiciall and injurious, as experience sheweth vpon severall accounts, therefore, as an addition to and explanation of that law, this Court doeth order and enact, that henceforth all contracts, agreements, engagements, or couenants for any specie whatsoever shall be pajd in the same specie bargained for, any lawe, vsage, or custome to the contrary notw<sup>th</sup>standing.

Law enjoyning  
all contracts &  
agreem<sup>ts</sup> to be  
made good by  
paym<sup>t</sup> in specie  
contracted for,  
&c.

Whereas this Court hath made seuerall lawes and orders for the prevention of the sin of drunkenes, and mispending precious tyme & estate, and yet, notw<sup>th</sup>standing great complaint is made of seuerall persons spending their tyme & estate by drincking & tipling in taverns & ale houses, to the great dishonour of God and prejudice of their famijles, for the prevention whereof, itt is ordered by this Court and the authority thereof, that the selectmen of each toune shall be and are hereby required & impoured to take speciall care and notice of all and euery person and persons transgressing as aboue sajd, and therevpon to require him or them to forbear the frequenting of such houses or taverns ; and if any person shall, after such warning given him, be found in any such house of entertejnment, & be legally convicted thereof before any one magistrate or comissioner, he shall forfeite five shillings, to be pajd to the Tresurer of that toune, for euery such offence, or sitt in the stocks, as the judges shall see meete ; and it is further ordered, that the selectmen shall also give notice to the keepers of such publick houses, that they suffer no such noted person in any of their houses, vpon the pœnalty of twenty shillings for euery such defect, to be payd to the Tresurer, as aforesajd.

Addito to the  
the law for pre-  
venting of  
drunkenes.

\*Although there are seuerall orders made by this Court concerning the receiving of the rates of goods imported, yet it is found by experience that it falls short of atteyning the full end intended. For prevention of the defrauding the officer who is appointed to collect the same, it is hereby ordered, as an addition to what the law hath provided in this case, that all masters of ships or other vessells coming in to our ports w<sup>th</sup> any goods, till they receive an order from the collector to deliuer the same, or, in defect thereof, to pay vnto the sajd officer the full value of the rate appointed by lawe.

[\*661.]

Lawe to pre-  
vent the de-  
frauding of the  
officer for cus-  
tomes.

To prevent calumny, reproach, and prejudice to this colony, & the inhabitants & trade thereof, it is ordered, that no person shall henceforth trade

All trade w<sup>th</sup>  
ships forbidden  
before y<sup>e</sup> govt  
be acknowl-  
edged.

1670.

12 October.

or truck w<sup>th</sup> any vessell that shall arrive vpon our coast vntill the same shall come vnder comānd, and ride in our vsuall harbo's, and haue acknowledged the government, as the lawe provides, vpon the pēnaltjes of all such goods traded, and such ffurthor punishment as the Court of Asistants shall adjudge, &c.

Magis<sup>t</sup>s proportion, &c.

Whereas the Gofino<sup>r</sup> & Magistrates haue for diuers yeares received there allowance of thirty five pounds at an vnæquall value, and that at present the Tresurer is by the customes furnished with better payment, it is ordered, that they shall receive a proportionable part of their allowance in the best pay that shall come into the tresury.

Day of thanksgiving Nov. 24<sup>th</sup>.

The Generall Court of the Massachusetts colony, taking notice of the great goodnes of God, as in continuuing our peace & libertjes, in crouning the last yeare past w<sup>th</sup> his goodnes, & that in answer of prayers, for which goodnes & mercy, and all other favours, this Court doth appoint the fower & twentjeth of November next to be set apart & kept a day of generall thanksgiving vnto the Lord, and for that end doe prohibit all servile labo<sup>r</sup> vpon that day, other then is suitable & necessary for the occasions thereof, and doe comēd it vnto all the elders, ministers, churches, & people w<sup>th</sup>in this jurisdiction, solemnly, seriously, & affectionately to keep the same accordingly.

Terms of non freemens liberty.

Itt is ordered, that in stead of the sūme of twenty pounds in the 4<sup>th</sup> section, title Touneships, it shallbe incerted, in stead thereof, eighty pounds, provided this change of that sūme be not interp<sup>t</sup>ed to exclude any person from the priuiledge granted him formerly in that lawe.

Prizes of corne.

It is ordered by this Court, that for this present yeare the Tresurer issue out warrants to the seuerall tounes but for halfe a country rate, and that the prizes of all sorts of corn w<sup>ch</sup> is pajd in the sajd rate shall be as followes, viz<sup>t</sup>: wheate at five shillings, barly mault, rye, & pease at fower shillings, and Indian at three shillings p bushell, all good & merchantable corne; & whatsoever else is payd in the country rate to be pajd at money price; provided, no toun or person shall have liberty to pay their country rate in any kind of leane cattell.

Order requiring y<sup>e</sup> secret. to deli<sup>u</sup> county records to clarke of y<sup>e</sup> County Court.

The County Court of Suffolke, for reasons best knoune to themselues, saw good to improove M<sup>r</sup> Free Grace Bendall as clarke of the sajd Court, in stead of M<sup>r</sup> Rawson, ordering the sajd M<sup>r</sup> Rawson to deliuer unto him all those things w<sup>ch</sup> did concerne him in that place. The Court being informed that there are yet still in his hands seuerall reccords that concerne the county, it is ordered, that the sajd M<sup>r</sup> Rawson deliuer the same to the clarke of the County Court.

County Courts adjour<sup>n</sup>mt.

Itt is ordered, that the County Court for Suffolke, which falls in course

the twenty fifth of this instant, be adjourned vntil the third Twesday in November next.

Itt is ordered by this Court, that the surveyor generall shall forthwith deliuer vnto Major Hawthorne or to Left Samuell Ward sixty great shott, fitt for the gunns in the fort at Marblehead.

In ans<sup>r</sup> to the petition of Elizabeth Steevens, wife of Henry Steevens, it appearing to the Court that the sajd Henry Steevens hath deserted his wife & held vnlawfull familiarity w<sup>th</sup> another woman, this Court judgeth it meete to declare, that the petitioner marrying any other man shall not be indangered thereby as a transgressour of our lawes.

\*Whereas, at the Generall Court in October, 1669, in answer to the request of some Praying Indians, settled vpon the north west corner of Naticke bounds, there was a graunt made of such a proportion of land as might be suiteable for their accomodation, and persons also deputed to lay out the same, which order of the Court being at present lajd aside, so as that it cannot be found, is greivous to the poore natives, thereby being disaſpointed of their hopes, it is therefore ordered by this Court & the authority thereof, that the sajd grant shall & hereby is confirmed vnto them according to the true intent thereof, and John Stone & Thō Eames are appointed to lay out the same, & make their returne of what they doe to this Court in May next, so as the quantitie of land exceed not one thousand acres, nor intrench on former grants.

Whereas this Court haue binn informed, that seuerall disorderly persons are settled & planted vpon the west side of Nipmuck Riuer, about ten or twelve miles aboue M<sup>r</sup> Blackstons, which is apprehended to be w<sup>th</sup>in the bounds of this colony, it is therefore ordered by this Court, that the south lſne of this iurisdiction be continued from Nipmuck Riuer, where it was left, betweene Pljmouth & this iurisdiction, and to runne it about twenty miles west beyond the sajd riuer, and cause the same to be marked suffieiently, either by markt trees or heapes of stones, where trees fall not in the lſne; and the persons appointed to doe this are Major Generall Leueret, Left Joshua Fisher, with two or three other persons, whom the major generall shall thinke expedient to carry the chajne & marke the lſne, and this to be donne & returnd at the next Court of Election, with signification whither the people seated in those parts be w<sup>th</sup>in our lſmitts or not; and if the sajd comittee doe finde the sajd inhabitants to fall w<sup>th</sup>in our bounds, then the major generall is ordered to take bond of two or three of the principall of them, to appeare at the next Court of Election, to answer for setling vpon lands w<sup>th</sup>in this iurisdiction w<sup>th</sup>out the grant of this Court.

1670.

12 October.

Sixty great shott to Left Ward for Marblehead Fort.

Ans<sup>r</sup> to Eliza Steevens petition.

[\*662.]

Renewall of the Courts grant to the Indians at Natick new plantation.

Comitte to runne y<sup>e</sup> southerly line from Nipmuck Riuer, &c.

1670.

12 October.  
Ans<sup>r</sup> to D<sup>r</sup>  
Whichcotts  
petition.

In answer to the petition of Benjamin Whichcott, doctor of divinity, & Rebeckah his wife, y<sup>e</sup> executrix of the last will & testament of Mathew Craddocke, late of London, merchant, this Court, hauing perused the proceeds of former Courts referring thereto, doe finde that there did not appeare any grounds ffor the petitioners demands, yet considering the great disburſments made by M<sup>r</sup> Mathew Craddocke, the former husband of the aboue said Rebeckah Whichcott, for the good of these plantations, doe freely grant to the petiçoners one thousand acres of land in any free place, on condition that they giue the colony a release & full acquittance from all after clajmes & demands referring to the grounds of the aboue said petition.

W<sup>m</sup> Fletcher  
ensigne at  
Chelmsford.

Sarjant Willjam Fletcher, of Chelmsford, is appointed ensigne to the ffoot company there.

Ans<sup>r</sup> to M<sup>r</sup>  
Bradstreet &  
Cap<sup>t</sup> Clarkes  
request.

In answer to the humble request of M<sup>r</sup> Symon Bradstreet & Cap<sup>t</sup> Thomas Clarke, desiring the Courts favour to grant them a prohibition to restrejne all persons from passing loggs by water by their mill, till they can haue oppertunity to repajre their said mill or damme, or till the lawe may determine the right, &c, the Court judgeth it meet (for the preservation of timber, w<sup>ch</sup> euery day, & in all places, are too much & vnneccessarily feld and made havoke of) hereby to order that no person or persons whatsoever shall fell or bring doune any tymber aboue the mill aboue mentioned, till the end of the next Court of Election.

[\*663.]

Comittee abt  
the tounne  
house.

\*The Court, being informed & finding that the tounne house is very much wanting of repajre, & by reason thereof is very dangerous, judge meete to appoint M<sup>r</sup> Thomas Danforth, M<sup>r</sup> Anthony Stoddard, & M<sup>r</sup> Willjam Parkes, a comittee to vejw the same, & make report to this Court of what they judge most necessary is to be don for the so repaying thereof, as all danger may be preyented, & the house preserved.

Ans<sup>r</sup> to Elisa  
Barnells peti-  
çon.

In ans<sup>r</sup> to the petition of Elisabeth Barnell, the Court judgeth it meete to leaue it to the County Court at Boston, either in part or in whole, to abate or remitt the fine, as they shall see cause.

Edw. Rawsons  
request on be-  
half of Jn<sup>o</sup>  
Winthrop,  
Esq<sup>r</sup>, gra<sup>ed</sup>.

On the motion of Edward Rawson, on the behalfe & request of the *the* honoured John Winthrop, Esq<sup>r</sup>, Governo<sup>r</sup> for Conecticot, & his wife, that a sale of his farme at Mistik, neere Charls Tounne, by his attorney or atturneys, and possession thereof, w<sup>th</sup> acknouedgment by him or them, to be made before a magistrate, as the law directs, shall be good in lawe, as acted & donne in their oune persons, their said letter of attorney being vnder their hands & seales, & acknouedged by them before a magistrate before they goe, the Court grants this request.

Ans<sup>r</sup> to admin-  
istrators of M<sup>r</sup>  
Carletons es-  
tate, &c, to sell  
lands.

In answer to the request of Shuball Walker & Peter Ayre, administrators

to the estate of the late M<sup>r</sup> Carleton, of Hauerill, humbly presenting the condition of Hanna Carleton, his widdow, hauing fower smale children, & left w<sup>th</sup>out any thing to releive them, as from the estate all the debts & mooveables belonging to y<sup>t</sup> estate not being enough to pay the debts that are due from it, if all could be gott in that doeth appeare to be due, but thirty three pounds, they having but litle hopes of all the estate now left, which is in wildernes land, w<sup>ch</sup> amounts to but one hundred sixty five pounds tenn shillings, as appears by the inventory, their humble desire in behalf of the widdow & children is, that this estate might be improoued by selling for their releife, and satisfiying the remainder of the debts, the Court judgeth it meete to order & impower the administrators, w<sup>th</sup> the widdow Hannah Carleton, to make sale of all the lands, or so much thereof as they shall finde & judge necessary for the ends aforesajd.

1670.

12 October.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Richard Whaton, it is ordered that Major Geñ John Leueret, M<sup>r</sup> Edward Tyng, Cap<sup>t</sup> Thomas Clarke, Cap<sup>t</sup> John Allen, M<sup>r</sup> Peter Lydget, Cap<sup>t</sup> Thomas Lake, & M<sup>r</sup> John Richards shall & hereby are appointed a comittee to treat with the petitioner, or any els concerned, as to the matter proposed in the petition, & make their returne in relation therevnto to the next Court of Election.

Ans<sup>r</sup> to M<sup>r</sup>  
Whartons pe  
tition abt salt

M<sup>r</sup> Ezekiel Knight, of Wells, is comissionated, w<sup>th</sup> magistratticall power, w<sup>th</sup>in the county of Yorke, to act in any matter, civill or criminall, binding ouer offenders, giving oathes, marrying, & in all other cases of judicature, as any one magistrate may doe.

Ezekiell  
Knight comis-  
sionated to act  
as a magistrate,  
&c.

In ans<sup>r</sup> to the petition of John Lawrenc, the Court judgeth it meete to order the petitioner to apply himself to the County Court of Boston, who are hereby empowred to act therein as they shall see cause.

Ans<sup>r</sup> to John  
Lawrence peti-  
tion.

\*The Court, hauing perved & considered of the returne of the comittee, to whom the revejw of the lawes was referred, &c, by the Generall Court in May last, as to the litterall erratars, &c, do order, that in page the 1, title Actions, lj: 5: for 'any Court,' is to be read 'any other Court.'

[\*664.]  
Erratars.

Page 2, title Appeales, sect 1, lj: 1, ad y<sup>e</sup> word 'the' before y<sup>e</sup> word 'liberty.'

Page 3, tit Arrests, lj: 3, for 'or in the law,' read 'as in the law of payments.'

Page 5, lj: 3, tit Bondslauery, read 'or such as shall willingly,' &c.

Page 7, tit Burglary, sect 3, lj: 1, read 'what person soeuer shall steale.'

Page 13, title Smale Causes, lj: 10, after y<sup>e</sup> word 'Gov<sup>r</sup>,' ad 'Dep<sup>t</sup> Gov<sup>r</sup>, or any two magistrates.'

Page 23, tit Courts, s̄ 7, lj: 3, read 'by y<sup>e</sup> Goũn<sup>r</sup> or Dep<sup>t</sup> Goũ,' & lj: 14,

1670. for 'wroth,' read 'worth;' & in sect 10, lj: 2, for 'in person,' read 'in prison.'

12 October.

Page 25, tiť Ecclesiast, seč 5, lj: 2, as it is.

Page 37, tiť Highways, seč 1, lj: 3, 4, read it, 'The Court of that county where such highway is to be made or lajd out shall (vpon complaint) appoint two or three men of each next toune, whose inhabitants haue most occasion thereof, vpon vejw, to lay out such high wayes according to order given them by that Court, and make returne of what they doe therein to the next Court, provided.'

Page 47, title Judgments & Executions, sect 1, lj: 9, for 'testator,' read 'as y<sup>e</sup> party deceased might haue donn.'

Page 54, tiť Marshall, sect 7, lj: 3, for 'giue notice,' read 'haue notice.'

Page 69, tiť Records, sect 3, lj: 2, for 'legally concernd,' read 'legally confirmd.'

Page 77, tiť Trjall, seč 2, lj: 3, read 'whither they will be tryed by the bench, or by the bench & jury.'

Page 79, tiť Watching, lj: 9, read 'such magistrate or comissioner.'

Page 83, tiť Atachm<sup>ts</sup>, read 'attach the goods, or for want thereof, the body of.'

Page 74, tiť Swearing, read, for 'rashly & vainly,' 'rashly or vaynly.'

Page 77, tiť Treasurer, sect 4, lj: 7, for 'sranscript,' read 'transcript.'

And for additions

Page 2, tiť Appeales, s̄ 2, lj: 3, it is ordered, that after the word 'breifely' shall be added 'and w<sup>th</sup>out reflections vpon Court or partjes.'

Page 4, tiť Bakers, s̄ 1, lj: 3, after the word 'sold' shall be added 'for money.'

Page 25, tiť Ecclesi, s̄ 1, lj: 7, after the words 'they shall acquaint' shall be added 'three or more magistrates dwelling next,' &c.

Additions past.

Page 67, tiť Protest, lj: 10, after y<sup>e</sup> word 'making,' ad the word 'or executing.'

Page 43, tiť Indians, s̄ 9, lj: 2, for the name of 'Major Atherton' shall be read, 'whomsoeuer the Court shall appoint.'

Page 65, tiť Inkeepers, Addition to Inkeepers, lj: 10, shall be added, 'besides the pœnalty.'

Courts resolves to quærjes.

It is also ordered, that in steed of fowerteen persons to be voated for at the elections to be magistrates, that henceforth eighteen shall be put to the nomination. To some quærjes, whither, if at any time there appeare contradictions betwixt lawes or parts of lawes, some being made formerly, some latter, shall the late lawe be accounted of force in all parts, & all lawes, or

parts of lawes, formerly made, be accounted null, wherein they are contradicted by any latter lawe, though they be not repealed or not, as instanc in troopers fined by a former lawe 5<sup>s</sup>, by a latter 10<sup>s</sup>. It is ordered by y<sup>e</sup> Court that the latter stand.

1670.

12 October.

2. Whither, the prizes of seuerall sorts of cattell as to the country rate being abated, should not the first prizes be left out wholly in the intended impression?

This quest is resolved on the affirmative.

3. Whereas in the lawe, tit Military, the assessment of fines is sometimes referred to the cheife officers and sometimes to the officer, & the major of the regiment may call the cheiffe officer of each company in his regiment to meet, &c, the question is, whither the Courts intent be rightly rendered, or the printer failed to put in the letter S or not. It is ordered, that the letter S be only added so fair as concerns the serj<sup>t</sup> major's meeting.

\*In ans<sup>r</sup> to the petition of Cap<sup>t</sup> W<sup>m</sup> Daus, M<sup>r</sup> Thomas Bratle, M<sup>r</sup> John Joyliffe, M<sup>r</sup> John Row, & M<sup>r</sup> Edward Rawson, ouerseers of the last will & testament of M<sup>r</sup> Antipas Boyse, deceased, it is ordered, & by this Court declared, that the sajd ouerseers may issue accounts & differences with all men relating to the sajd estate, according to their best judgments & consciences, or to reffer the same to arbitration, as they shall see cause, without detriment or damage to themselues or estates.

[\*665.]

Ans<sup>r</sup> to Cap<sup>t</sup> Davis, &c, petition as to impowring or ordering y<sup>e</sup> officers of W<sup>m</sup> Boys will to just accounts, &c.

In answer to the petition of diuers of the inhabitants of Springfield, craving liberty for the erecting of a towneship on the west side of the Riuer Conecticott, towards Windsor, this Court doth grant vnto the petitioners a tract of land lying southward of Springfield & Westfeild bounds, to the content of sixe miles square, to be lajd out there for a plantation or towneship, provided there be five hundred acres of land lajd out to this sajd tract for the Generall Court or countrys vse, one hundred acres of it to be lajd out neere the place where their meeting house shallbe, and provided that in five yeares time there be twenty familjes settled on the place, and that they take care for the procuring & maintening some able minister there, & that not aboute eighty acres of land be granted to any one person or family till at least twenty familjes be settled there; and for the managing the affaires of this towneship, receiving inhabitants, granting w<sup>th</sup>in the tract aforesajd, & ordering all prudentialls proper to the same, this Court doeth appoint Cap<sup>t</sup> Jn<sup>o</sup> Pynchon, Cap<sup>t</sup> Eliaz Holjoke, Lej<sup>f</sup>t Cooper, Quartermaster Colton, Ensigne Cooly, & Rouland Thomas, or any three of them, whereof Cap<sup>t</sup> Pynchon to be one, a comittee for that end, who are hereby impowred to act accordingly, & so to continue till this Court shall otherwise order.

A plantation gr<sup>ed</sup> to y<sup>e</sup> inhabitants of Springfield on y<sup>e</sup> west side of Conecticot Riuer tow<sup>ds</sup> Windsor.

A comittee to order it.

1670.

12 October.  
Cambridge  
made a toll  
bridge.

Whereas the bridge ouer Charls River, which was first erected at the cost of that toune, together w<sup>th</sup> the free contribution of seuerall publecke spirited persons in some neighbour tounes, which bridge being now decayed, and by reason of the danger is presented to the County Court of Midlesex, and the toune of Cambridge, as they alleadge in their petition, being not able to repajre it, so that of necessity it must be puld vp & slighted, & the passage there must be secured by a ferry, as heretofore, which is not so safe, convenient, or vsefull as a bridge, — for a ferry is altogether vseless in the winter, & very inconvenient to transport horses, & not at all accomadable for carts or droves of catles, — the premisses considered, it is ordered by this Court and the authority thereof, for the incouragement either of the toune of Cambridge, or any perticular persons that shall repajre the bridge, or erect a sufficient cart bridge ouer the ryver at Cambridge, & maintein the same for the safety of the passengers, they are hereby impowred to take toll at the rates following, viz<sup>t</sup>: on penny for euery person, three pence a head for euery horse & man, sixe pence for euery cart, two pence a head for euery horse or other neat catle, one halfe penny a head for sheepe, goats, or swine; and if any refuse to pay the toll aforesajd, it shall be at the liberty of such as majnteyne the said bridge to stop their passage; & this order to continue in for so long a time as the said bridg is mainteyned serviceable & safe for passage.

Order settling a  
diviſion of Jud-  
sons estate be-  
tweene the  
widow & child,  
&c.

[\*663.]

Exec<sup>t</sup> issued  
out 5 Feb<sup>r</sup>, 74.

In pursuance of the honoured Generall Courts order of May the 11<sup>th</sup>, 1670, in refference to an issuing of the case betweene Nathaniel Chickering, plaintiffe, and his mother in lawe, Mary, the late widdow & executrix of Samuell Judson, deceased, defendant, wee, having heard the allegations of \*both partjes, doe determine and conclude, that Mary, the said execcutrix, doe make vp what she hath pajd already to Mary, hir late daughter, or to the said Nathaniel Chickering, in right of the said Mary, his late wife, whither before or after marriage, the just & full some of forty pounds, the pay to be made according to the will of Samuel Judson; and that the said execcutrix, Mary, aforesajd, haue set out for her the third of houses & lands that the said Samuel Judson dyed seized of, in his oune right, in the toune of Dedham, whither divided or vndivided; and also, that Nathaniel Chickering haue deliuered vnto him one third part of the other two thirds of the aforesajd lands; and for the executing hereof, wee doe, by virtue of the power given vnto vs by the said order of Court, appoint, viz<sup>t</sup>, Leiutenn<sup>t</sup> Joshua Fisher, Ensigne Daniel Fisher, & Thomas Aldridge, all of Dedham, to make the diuissions, and to set out the parts to the seuerall partjes herein concerned, and that the charge thereof be

defrayed out of the whole estate ; and that this is our determination, wee witness the 4<sup>th</sup> July, 1670, by o<sup>r</sup> names subscribed.

1670.

12 October.

JN<sup>o</sup> LEUERET,  
HOPESTIL FOSTER,  
WILLJAM PARKES.

The Court allowes & approoves hereof.

Articles of confederation betweene the plantations vnder the government of the Massachusetts, the plantations vnder the governmēt of New Plymouth, and the plantations vnder the government of Conecticot. Boston, June 1, 1670.

Whereas wee all came into these parts of America w<sup>th</sup> one & the same end & ajme, viz<sup>t</sup>, to advance the kingdome of our Lord Jesus Christ, and to enjoy the libertjes of the gospell, in purity, w<sup>th</sup> peace ; and whereas, in our settling, (by a wise providence of God,) wee are further dispersed vpon the sea coasts & rivers then was first intended, so that wee cannot, according to our desier, w<sup>th</sup> convenience, comūnicate in one government & jurisdiction ; and whereas wee are compassed with people of seuerall nations & strang languages, which hereafter may prove injurious to vs & our posterity ; and forasmuch as the natives haue formerly comitted sundry insolencjes & outrages vpon seuerall plantations of the English, and haue seuerall times combyned themselves against vs ; and seeing, by reason of our distance from England, (our deare native country,) wee are hindered both from that humble way of seeking advice & reaping those comfortable fruits of protection which wee might otherwise well expect, — wee therefore doe account it our duty as well as safety to enter into a confederation for mutuall helpe & succour in all our future concernments, that as in nation & religion, so in other respects, wee be and continue one, according to the tenure & true meaning of the ensuing articles.

1 Article. Wherefore it is agreed and concluded by and betweene the partjes or jurisdictions aboue named, and they doe jointly & seuerally, by these presents, agree & conclude that they all be & henceforth be called by the name of the Vnited Colonjes of New England. Y<sup>e</sup> y<sup>e</sup> be called by y<sup>e</sup> name of ye United Colonjes of New England.

2 Article. The said Vnited Colonjes, for themselves and their posteritjes, doe jointly & seuerally hereby enter into a ferme & perpetuall league of ffreindship & amity, mutuall advice & succour, vppon all just occasions, both for preserving & proppagating the trueth & libertjes of the gospell, and for their oune mutuall safety & welfare, provided, notw<sup>th</sup>standing, that the power of determination of an offensive warr, properly so called, (so as to ingage As to a ferme league for mutual advice & succour, &c.

1670.

12 October.  
Each colony to  
haue & keepe  
distinct govm<sup>t</sup>  
& jurisdiction  
w<sup>th</sup>in them-  
selves.

[\*667.]

the colonjes therein,) shall be in the seuerall Generall Courts of the afore mentioned confœderates.

3 Article. Itt is agreed that the plantations which at present are, or hereafter shall be, settled w<sup>th</sup>in the lymitts of the Massachusets, shall be for euer under the gove<sup>r</sup>ment of the Massachusets, and haue peculjar jurisdiction amongst themselues as an entire body, \*and that Plymouth & Conecticot, each of them, in all respects, haue the like peculjar jurisdiction & government w<sup>th</sup>in their lymitts, according to theire respectiue letters patents from his majes-  
tje, provided that no other jurisdiction shall hereafter be taken in as a distinct head or member of this confœderation, nor shall any other plantation or juris-  
diction in present being, and not already in combination or vnder the jurisdic-  
tion of any of these confœderates, be received by any of them, nor shall any two of these confœderates joyne in one jurisdiction without the consent of the seuerall Generall Court of the aboue named confederates.

Two comis-  
sioners of each  
colony.

4 Article. Itt is also agreed, that, for the mannaging & concluding of all affaires proper to and concerning the whole confœderation, (not accepted against in these articles,) two comissioners shall be chosen by & out of each of these three jurisdictions, viz<sup>t</sup>, two for the Massachusets, two for Pljmouth, & two for Connecticut, being all in church fellowship w<sup>th</sup> vs, who shall bring full power from their Generall Courts respectively to heare, examine, & weigh, & determine the same; but if these sixe comissioners, when mett, shall not all agree, yet it is concluded that any <sup>five</sup><sub>four</sub> of the sixe, agreeing, shall haue power to settle & determine the case in controuersje; but if <sup>five</sup><sub>four</sub> doe not agree, that then such propositions, w<sup>th</sup> their reasons, so farr as they haue binn debated, be sent & referred to the seuerall Generall Courts, and if by all the sajd Courts there be a concurrence in the matter so referred, then to be accordingly prosecuted by the confœderates and all their members.

Five of sixe to  
agree, & so to  
be referred to y<sup>e</sup>  
Gen. Courts  
when all con-  
cerning the  
colonjes to  
stand bound to  
act, &c.

Meeting once  
in 3 yeares,  
(extraordinary  
cases except-  
ed:) 1<sup>st</sup> at Plim-  
outh, 2<sup>d</sup> at Bos-  
ton, 3 Hart-  
ford, 4 Boston,  
&c, till a more  
convenient  
plac in or ab<sup>t</sup>  
middle be  
agreed on.  
Præsident to  
be chosen; his  
power to fur-  
ther, n<sup>t</sup> hinder  
busines.

5 Article. It is further agreed, that the comissioners for the Vnited Col-  
onjes shall meete but once in three yeares, except in cases extraordinary,  
which meeting shall euer be on the first Thirsday in September, and that the  
next meeting after the date of these presents shall be at Pljmouth, which shall  
be accounted the first meeting, the second at Boston, the third at Hartford,  
the fowerth at Boston, the fifth at Hartford; and so the meeting will be but  
once in fiveteene yeares at Pljmouth, & double so often in the other colonjes,  
if, in the meane time, some middle place be not found out & agreed on, which  
may be comodious for all.

6 Article. Itt is further agreed, that, at each meeting of these sixe comissioners, whether ordinary or extraordinary, they may choose their præsi-

dent out of themselues, whose office & worke shallbe to take care & direct for order & a comely carrying of all proceedings in the present meeting; but he shall be invested w<sup>th</sup> no such power by which he may hinder the propounding or progresse of any business, or any way cast the scales otherwise then in the present articles is agreed.

1670.

12 October.

7 Article. It is also agreed, that the co<sup>m</sup>issioners for this confederation heere after at their meeting, whither ordinary or extraordinary, as they may haue co<sup>m</sup>ission or oppertunity, doe endeavour to frame & establish agreements & orders in generall cases of a civil nature, wherein all the plantations are interested, for preserving peace among themselves, & preventing (as much as may be) all occasions of warr or differences w<sup>th</sup> others, as about the free & speedy passage of justice in each jurisdiction to all the confederates æqually, as to their oune receiving those that remoue from one plantation to another; how all the jurisdictions may carry it towards the Indians, that they neither grow insolent nor be injured w<sup>th</sup>out due satisfaction, least warr breake in vpon the confederates through such miscarriages. It is also agreed that, if any servant rune away from his master into any other of these confederated jurisdictions, that in such case, vpon the certificate of one magistrate in the jurisdiction out of \*which the sajd servant fled, or vpon other due prooffe, the sajd servant shall be deliuered either to his master or any other that pursues & brings such certificate or prooffe; and that vpon the escape of any prisoner whatsoever, or fugitive for any criminall case, whither breaking prison, or getting from the officer, or otherwise escaping, vpon the certificate of one magistrate of the jurisdiction out of which the escape is made, that he was a prisoner, or such an offendor at the tyme of the escape, the magistrates, or some of them of that jurisdiction where for the present the sajd prisoner or fugitive abideth, shall forthwith grant such a warrant as the case will beare for the apprehending any such person, & the deliuring of him either into the hand of the pursuer; and if help be required it shall be granted, he paying the charges thereof.

To establish orders for peac thro y<sup>e</sup> jurisdictions. Preventing occasion of warr. To carry it to y<sup>e</sup> Indian as y<sup>e</sup> grow not insolent, nor injured w<sup>th</sup>out sattisfaction.

Fugitive servants & prisoners breaking [\*668.] prison to be secured in all y<sup>e</sup> jurisdiction<sup>s</sup> & deli. to y<sup>e</sup> pursuers.

8 Article. It is further agreed, that for the disposall of the Indian stocke for the future, the chojce of co<sup>m</sup>issioners in the seuerall colonjes being annually, as formerly the co<sup>m</sup>issioners of the Massachusets, w<sup>th</sup> such others as shallbe present, or any three of the co<sup>m</sup>issioners meeting yearly at Boston, or elsewhere, as they shall agree, and at the vsuall time, they may doe any act for the mannaging & ordering of that affaire as though all the co<sup>m</sup>issioners were present, and what they shall doe herein they shall keepe a true reccord thereof, and transmitt the account of the same from time vnto time to the trjenniall meeting of the co<sup>m</sup>issioners.

How to order & dispose of the Indian stocke & by whom. Acts thereof to be transmitted to y<sup>e</sup> trienniall meeting.

1670.

12 October.  
The charges of  
all warrs on any  
of y<sup>e</sup> confeder-  
ates, whither  
offensive or de-  
fensive.

How y<sup>e</sup> warr to  
be managed.

How y<sup>e</sup> charg  
to be borne, &  
how y<sup>e</sup> advan-  
tage thereof, if  
God so dispose,  
to be divided.

9 Article. It is also by these confederates agreed, that the charge of all just warrs, whither offensive or defensive, vpon what part or member of this confederation soeuer they fall, shall, both in men, provissions, & all other disbursments, be borne by all the parts of the confederation, in different proportions, according to their different abilitjes, in manner following, viz<sup>t</sup>: that the comissioners for each jurisdiction from tyme to tyme, as there shall be occasion, bring a true account & number of all the males in each plantation, or any way belonging to or vnder their seuerall jurisdictiones, of what quality or condition soeuer they be, from sixteen yeares old to sixty, being inhabitants there, and that according to the different numbers which from time to time shall be found in each jurisdiction; the service of men and all charges of the warr be borne by the poll, each jurisdiction or plantation being left to their oune just course & custome of rating themselves & people; and that according to the different charge of each jurisdiction & plantation the whole advantage of the warr, (if it please God so to bless their endeavours,) whither it be in lands, goods, or persons, shall be proportionably divided among the said confederates.

In case of inva-  
sion.

10 Article. Itt is ffurther agreed, that if any of these jurisdictions, or any plantation vnder them, be invaded by any enemy whomsoever, vppon any notice or request of any three magistrates of that jurisdiction so invaded, the rest of the confederates, w<sup>th</sup>out any further meeting or expostulation, shall forthwith send ajde \*to the confederates in danger, but in different proportion, viz<sup>t</sup>, the Massachusetts one hundred men, sufficiently armed & provided for such a service and expedition; Pljmouth forty five men so armed and provided, and Conecticot ninety men so armed & provided, or any less noubmer, if less be required, according to this proportion; but if such confederate in danger may be suppljed by their next confederate, not exceeding the number hereby agreed, they may craue helpe there, & seeke no further for the present, the charge to be borne as in this article is expressed, and at their returne to be victualled, and supplied w<sup>th</sup> powder & shott, (if there be need,) for their journey by that jurisdiction that implojed or sent for them, (and the proportion aboue named to continue vntill, vpon knowledge of the numbers in each jurisdiction, which shall be brought to the next meeting, some other proportion be ordered;) but in any such case of sending men for present ayde, whither before or after such order or alteration, it is agreed, that at the meeting of the comissioners for this confederation the cause of such warre by invasion be duely considered, and if it appeare that the fault lay in the party so invaded, that then that jurisdiction or plantation make just satisfaction, both to the invaders whom they haue injurjed, and beare all the charges of

[\*669.]

Ajd to be af-  
forded to y<sup>e</sup>  
confederate in  
danger.  
Proportionable  
numbers for  
ajd, &c.

Satisfaction to  
be made to y<sup>e</sup>  
invaders in  
case the fault  
were in y<sup>e</sup> in-  
vaded &c.

the warr themselves, w<sup>th</sup>out requiring any allowance from the rest of the confederates towards the same.

1670.

11 Article. And for that the justest warr may be of dangerous consequence, especially to the smaller plantations in these Vnited Colonjes, it is agreed, that neither the Massachusets, Pljmouth, nor Conecticot, nor any of the members of any of them, shall at any time hereafter beginn, vndertake, or ingage themselues or this confederation in any warr whatsoever, (suddaine exigencjes, w<sup>th</sup> their necessary consequences thereof, excepted, which are also to be moderated as much as the case will permitt,) w<sup>th</sup>out the consent of the seuerall Generall Courts of the Vnited Collonjes.

12 October.  
The justest warr may be of dangerous consequence.  
No colony to begin a warre or engage the others therein, &c.

12 Article. Itt is also agreed, that in case of any suddaine exigencies or other weighty occasions requiring the meeting of the comissioners before the ordinary tyme, the Governo<sup>r</sup>, or any three magistrates of any the confederate jurisdiction, may sumon a meeting of the comissioners, breifely signifying the occasion thereof, & the tyme & place of the meeting, w<sup>ch</sup> shall be accordingly attended by the comissioners of all the confederate jurisdictions; and when mett they may adjourne to any other time or place as to them shall seeme meete.

In case of sudden exigency<sup>e</sup> Gou. or any 3 magist<sup>s</sup> may summon a meeting, &c.

13 Article. Itt is also agreed, for the settling of vagabonds & wandering persons, remooving from one colony to another, to the dissatisfaction & burden of the places where they come, as dayly experience sheueth vs, ffor the future, it is ordered, that where any person or persons shall be found in any jurisdiction to haue had their abode for more than three months, and not warned out by the authority of the place, and in case of the neglect of any person so warned as aboue sajd to depart, if he be not by the first oppertunity that the season will permitt sent away from constable to constable, to the end he may be returned to the place of his former aboad, euery such person or persons shallbe accounted an inhabitant where they are so found, and by them governed & provided for as their condition may require; and in all such cases the charge of the constables to be borne by the Treasurer where such constables do dwell.

Provision for vagabonds & wandering persons.  
W<sup>t</sup> continuanc in place makes them inhabitants, &c.

14. Article. Itt is agreed, that if any of the confederates shall hereafter breake any of these present articles, or be any other way injurious to any of the confederate jurisdictions, such breach of agreement or injury shallbe duely considered, and ordered, by the comissioners for the other jurisdictions, that both peace and this present confederation may be preserved w<sup>th</sup>out violation.

In case of any breach of y<sup>e</sup> articles or injury, &c, how to be considered & ordered.

\*15 Articles. Finally, whereas in the former articles, argeed vpon May [\*670.]

1670. 29<sup>th</sup>, 1643, for the confederation of the Vnited Colonjes aboue named, New Hauen is therein mentioned, and was ouned as a distinct confederate, and is by these included & concluded as one w<sup>th</sup> Conecticott, the aboue sajd vnion shallbe always interpreted as by their oune concession, and not otherwise.

12 October.

June 2, 1670. Thes articles aboue named were agreed vpon at Boston the day & yeare aboue written, to be presented vnto the seuerall Generall Courts of the sajd colonjes for their approbation & confirmation.

Signed by vs,

RICHARD BELLINGHAM, Goð,	} for & by the appointment	
THOMAS DANFORTH,		of the Generall Court of
JN <sup>o</sup> LEUERET,		the Massachusetts colony.
JOSIAH WINSLOW, for the colony of New Pljmouth.		
SAMUELL WILLIS,	} for and by the appointment of the	
JOHN TALCOTT,		Generall Court of Conecticott.

The Court, hauing read & perused this returne of their cõmittee, doe allow & approve thereof *of*, w<sup>th</sup> the emendations herevnder written to be inserted in their seuerall places : —

As in the 4<sup>th</sup> article, instead of ‘fower of sixe agreeing,’ read ‘fue of the sixe agreeing.’

In the 7<sup>th</sup> article, in the 3<sup>rd</sup> lje, instead of ‘doe endeavour to frame & establish agreements and,’ read ‘may consult of & propose to the seuerall Generall Courts, to be by them allowed & established, such order in generall cases.’

In the 9<sup>th</sup> article, in the 5<sup>th</sup> lje, after the words ‘in manner ffollowing,’ add ‘in the 10<sup>th</sup> article,’ and leaue out all the following words of that article to the last three ljes, ‘and according to the different charge of each jurisdiction & plantation the whole advantage of the warr.’

In the 10<sup>th</sup> article, in the sixteenth lje, after the words ‘and the proportion aboue named to continue vntill,’ leaue out the words following to ‘some other proportion be agreed.’ In the 10<sup>th</sup> article also, in the fowerteenth lje, in stead of ‘the charge to be borne as in this article,’ read ‘and the charge to be borne by the seuerall colonjes, according to the proportion abouesajd.’

Ans<sup>r</sup> to Theod<sup>r</sup>  
Atkinsons pe-  
tition.

In answer to the petition of Theoder Atkinson, Señ, it is ordered, that Cap<sup>t</sup> John Pynchon, Cap<sup>t</sup> Richard Walderne, & Leiftennent Olliver Purchis shallbe a cõmittee & impowered to call the partjes before them, i. e., Theoder

Atkinson & Cap<sup>t</sup> John Willjams, to heare what such party can say for himself relating to what is mentioned in the petition, making their report to this Court what they judge necessary further to be donn therein. The com<sup>i</sup>tee, hauing mett & called the seuerall partjes together, & having heard what they could say each for himself, made their returne to this Court that they found nothing by all that was sajd that Cap<sup>t</sup> Willjams hath decljned from performing his promise, nor by any thing presented doe see or finde any errors in the accounts lajd before them ; neuertheless, leaue it to this Court, in whose hand & power it is to grant a further hearing or audit of accounts if they please ; the Court, on perving of the returne, declare they see no cause to grant any new hearing as is desired.

1670.

12 October.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Humphry Davy, it is ordered, that the case mentioned therein is referred to the next Court of Election, vnless they agree together before that time.

Ans<sup>r</sup> to M<sup>r</sup>  
Davy's peti<sup>c</sup>ion

\*Articles of confederation betweene the plantations vnder the government of the Massachusetts, the plantations vnder the government of New Plymouth, and the plantations vnder the government of Connecticott. [\*671.]

Whereas wee all came into these parts of America w<sup>th</sup> one & the same end & ajme, viz<sup>t</sup>, to advance the kingdome of our Lord Jesus Christ, & to enjoy the libertjes of the gospell in purity w<sup>th</sup> peace ; and whereas, in our settling, by a wise prouidence of God, wee are further dispersed vpon the sea coast & riuers then was first intended, so that wee cannot, according to our desire, with convenience com<sup>i</sup>unicate in our gouernments & jurisdiction ; and whereas wee are compassed w<sup>th</sup> people of seuerall nations & strange languages, which heereafter may prooue injurious to us & our posterity ; and forasmuch as the natives haue formerly com<sup>i</sup>mitted sundry insolencjes & outrages vpon seuerall plantations of the English, & haue seuerall tjmes combyned themselues against vs ; & seing, by reason of our distance from England, (our deare native country,) wee are hindered both from that humble way of seeking advice & reaping those comfortable fruites of protection which wee might otherwise well expect,—wee therefore do account it our duty, as well as safety, to enter into a confederation for mutual helpe & succour in all our future concerns, that, as in nation & religion, so in other respects, wee be & continue one, according to the tennor & true meaning of the ensuing articles :—

1 Article. Wherefore it is aggreed & concluded by & betweene the partjes or jurisdiction aboue named, and they doe jointly & seuerally by these presents agree and conclude, that they henceforth be called by the name of the Vnited Colonyes of New England.

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2 Article. The said Vnited Colonyes, for themselues & their posterities, doe jointly & severally heerby enter into a firme & perpetuall league of freindship & amity, mutual advice & succour, vpon all just occasions, both for preserving & proppagating the trueth & libertjes of the gospell, & for their oune mutuall safety & welfare; provided, notw<sup>th</sup>standing, that the power of determination of an offensive warr, properly so called, (so as to engage the colonjes therein,) shall be in the seuerall Generall Courts of the afore mentioned confœderates.

3 Article. It is agreed, that the plantations which at present or heereafter shall be settled w<sup>th</sup>in the lymitts of the Massachusetts shall be for euer vnder the government of the Massachusetts, and haue peculiar jurisdiction amongst themselues as an entire body, —

And that Plymouth & Connecticott, each of them, in all respects, haue the like peculiar jurisdiction & government w<sup>th</sup>in their lymitts, according to their respective letters patents from his majesty, provided that no other jurisdiction shall heereafter be taken in as a distinct head or member of this confœderation, nor shall any other plantation or jurisdiction in present being, and not already in combynation, or vnder the jurisdiction of any of these confœderates, joyne in one jurisdiction w<sup>th</sup>out the consent of the seuerall Generall Courts of the aboue named confœderates.

4 Article. It is also agreed, that, for the managing & concluding of all affaires proper to and concerning the whole confœderation, (not excepted against in these articles,) two comissioners shall be chosen by & out of each of these three jurisdictiones, viz<sup>t</sup>, two for the Massachusetts, two for Plymouth, & two for Connecticott, being all in church fellowship w<sup>th</sup> us, who shall bring full power from their Generall Courts respectively to heare, examine, & weigh, & determine the same; but if these six comissioners, when mett, shall not all agree, yet it is concluded that any five of the six agreeing shall haue power to setle & determine the case in course orderly; but if five doe not agree, that then such propositions, w<sup>th</sup> their reasons, so farr as they haue binn debated, be sent & referred to the seuerall Generall Courts; and if by all the said Courts there be a concurrence in the matter so referred, then to be accordingly prosecuted by all the confœderates & all their members.

[\*672.]

\*5 Article. Itt is further agreed, that the comissioners for the Vnited Colonjes shall meete but once in three yeares, except in cases extraordinary, which meeting shall euer be on the first Thirsday in September, and that the next meeting after the date of these presents shall be at Pljmouth, which shall be accounted the first meeting, the second at Boston, the third at Hartford, the fowerth at Boston, the fifth at Hartford, and so the meeting will be

but once in fiveteene yeares at Pljmouth, and double so often in the other colonies, if, in the mean tyme, some midle place be not found out & agreed on, which may be comodious for all.

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6 Article. Itt is further agreed, that at each meeting of these sixe comissioners, whither ordinary or extraordinary, they may choose their præsident out of themselves, whose office & worke shall be to take care & direct for order & a comely carrying of all proceedings in the present meeting ; but he shall be invested w<sup>th</sup> no such power by which he may hinder the proposing or progresse of any business, or any way cast the scales otherwise then in the present articles is agreed.

7 Article. Itt is also agreed, that the comissioners for this confœderation heereafter, at their meetings, whither ordinary or extraordinary, as they may haue comission or oppertunity, may consult of & propose to the seuerall Generall Courts, to be by them allowed & established, such orders in generall cases of a civill nature, wherein all the plantations are interested, for preserving peace among themselves, & preventing (as much as may be) all occasions of warr or differences w<sup>th</sup> others, as about the free & speedy passage of justice in each jurisdiction to all the confœderates æqually, as to their oune receiving those that remoove from one plantation to another ; how all the jurisdictions may carry it towards the Indians, that they neither grow insolent nor be injuried without due sattisfaction, least warr breake in vpon the confœderates through such miscarriages. It is also agreed, that if any servant runne away from his master into any other of these confœderated jurisdictions, that in such case, vpon the cirtificate of one magistrate in the jurisdiction out of which the sajd servant fled, or vpon other due prooffe, the sajd servant shallbe deliuered either to his master or any other that pursues & brings such cirtificate or prooffe, & that, vpon the escape of any prisoner whatsoever, or fugitive for any criminall case, whither breaking prison, or getting from the officer, or otherwise escaping, vpon the cirtificate of one magistrate of the jurisdiction out of which the escape is made, that he was a prisoner or such an offender at the time of the escape, the magistrates, or some of them, of that jurisdiction where, for the present, the sajd prisoner or fugitive abideth, shall forthwith grant *grant* such a warrant as the case will beare for the apprehending any such person, & the deliuering of him or her into the hands of the pursuer ; and if help be required, it shallbe granted, he paying the charges thereof.

8 Artickle. It is further agreed, that for the disposing of the Indian stocke for the future, the choice of the comissioners in the seuerall colonjes

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being annually, as formerly the commissioners of the Massachusetts, w<sup>th</sup> such others as shall be present, or any three of the commissioners, meeting yearly at Boston, or elsewhere, as they shall agree, and at the vsuall tyme, they may doe any act for the mannaging and ordering of that affaire as though all the commissioners were present, & what they shall doe heerein they shall keepe a true reccord thereof, & transmitt the account of the same from tyme to time to the trjenniall meeting of the commissioners.

[\*673.]

9 Artickle. Itt is also by these confederates agreed, that the charge of all just warrs, whither offensive or defensive, vpon what part or member of this confederation soeuer they ffall, shall, both in men, prouissions, & all other disbursments, be borne by all the parts of the confederation, in different proportions, according to their different abilitjes, i. e., that the rule for proportioning men, & raying of moneys for the defraying of such charges as may from time to time arise vpon \*any warr, defensive or offensive, begunne & carjed on according to the articles of confederation, shallbe as followeth: the Massachusetts one hundred, Plymouth thirty, Connecticott sixty; and this rule to continue for fiveteen yeares next coming after the begining of the meeting of the commissioners, to be held at Plymouth in September next, and then, if any one or more of the confederates shall apphend the aboue sajd proportion to be vnæquall, that matter shallbe againe considered by the commissioners, and what they shall agree vpon shall be presented to the seuerall Generall Courts for their acceptance & confirmation, (each jurisdiction or plantation being left to their oune just course or custome of rateing themselves & people,) and that according to the different charge of each jurisdiction & plantation the whole advantage of the warr, (if it please God to blesse their endeavours,) whither it be in lands, goods, or persons, shall be proportionably divided among the confederates.

10 Artickle. It is further agreed, that if any of these jurisdiction, or any plantation vnder them, be invaded by any enemy whomsoeuer, vpon any notice or request of any three magistrates of that jurisdiction so invaded, the rest of the confederates, without any further meeting or expostulation, shall forthwith send ayde to the confederate in danger, but in different proportion, viz<sup>t</sup>: the Massachusetts one hundred men, sufficjently armed & provided for such a service & expedition; Plymouth thirty men, so armed and provided; & Conecticott sixty men, so armed & provided, or any less number, if less be required, according to this proportion; but if such confederates in danger may be supplied by their next confederate, not exceeding the number hereby agreed, they may craue help there, and seeke no further for the present, the

charge to be borne by the seuerall colonjes according to the proportion aboue sajd, and at their returne to be victualled, and supplied w<sup>th</sup> pouder & shott, (if there be needed for their journey,) by that jurisdiction that imployed or sent for them ; but in any such case of sending men for present ajde, whither before or after such order or alteration, it is agreed, that at the meeting of the comissioners for this confederation the cause of such warr or inuasion be duely considered, and if it appeare that the fault lay in the party so invaded, that then that jurisdiction or plantation make just sattisfaction, both to the invaders whom they haue injurjed, & beare all the charges of the warr themselues, w<sup>th</sup>out requiring any allowance from the rest of the confederates towards the same.

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11 Artickle. And for that the justest warr may be of dangerous consequence, especially to the smallest plantations in these Vnited Colonjes, it is agreed, that neither the Massachusets, Plymouth, nor Connecticott, nor any of the members of any of them, shall at any tyme hereafter beginn, vndertake, or ingage themselues or this confederation in any warr whatsoever, (suddaine exigencjes, w<sup>th</sup> their necessary consequences thereof excepted,) w<sup>ch</sup> are also to be moderated as much as the case will permitt, w<sup>th</sup>out the consents of the seuerall Generall Courts of the Vnited Colonjes.

12 Article. Itt is also agreed, that, in case of any suddaine exigencjes, or other weighty occasions requiring the meeting of the comissioners before the ordinary time, the Gouernor, or any three magistrates of any the confederate jurisdictions, may sumon a meeting of the comissioners, breifely signifying the occasion thereof, & the time & place of the meeting, which shall be accordingly attended by the comissioners of all the confederat jurisdictions, and when mett, they may adjourne to any other time or place as to them shall seeme meete.

13 Article. Itt is also agreed, for setling of vagabonds & wandering persons remooving from one colony to another, to the dissatisfaction & burden of the places where they come, as dayly experience sheweth us, for the future it is ordered, that when any person or persons shall be found in any jurisdiction to haue had their aboad for more then three months, & not warned out by the authority of the place, & in case of the neglect of any person so warned as abouesajd to depart, if he be not, by the first oppertunity that the season will permitt, sent away from constable to constable, to the end he may be returned to the place of his former aboad, euery such person or persons shallbe \*accounted an inhabitant where they are so found, & by them gouerned & provided for as their condition may require; and in all such

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cases the charge of the constables to be borne by the Tresurer where such constables doe dwell.

14 Artickle. Itt is agreed, that if any of the confœderates shall here after breake any of these present articles, or be any other way injurious to any of the confœderate jurisdictions, such breach of agreement or jnjury shallbe duely considered & ordered by the cōmissioners for the other jurisdictions, that both peace & this present confœderation may be preserued w<sup>th</sup>out violation.

15 Artickle. Fynally, whereas, in the former articles agreed vpon, May 29, 1643, for the confœderation of the Vnited Colonjes aboue named, New Hauen is therein mentioned, and was ouned as a distinct confœderate, and is by these included & concluded as one w<sup>th</sup> Connecticott, the aboue sajd vnion shallbe always interpreted as by theire oune concession, & not otherwise.

These articles aboue written were agreed vpon by the Generall Court for the Massachusetts, sitting in Boston, y<sup>e</sup> 15<sup>th</sup> day of May, 1672.

As attest, EDW: RAWSON, Secrety.

Vnderwritt.

Whereas for many yeares past, vpon diuers good considerations, there was a confœderation agreed vpon by the auntient English colonyes, vnder his maj<sup>s</sup> authority in New England, for mutuall help, support, and defence, as also for the better majnteyning his maj<sup>ty</sup>s interest against any opposition or incursion of the barbarous natives and others, as appeareth by articles that were agreed vpon in the yeare 1643, and are vpon reccord to be seene, whereby the sajd colonjes haue binn so vnited as hath prooved very beneficall to all his majestjes subjects in these parts for theire peace and security ; and whereas the seuerall Generall Courts of the sajd colonjes haue seen cause to renew the sajd confœderation, w<sup>th</sup> some necessary alteration and addition to the sajd articles, as is more fully exprest in the articles aboue written ; and also, whereas the Generall Court for the Massachusetts colony, by theire cōmission, dated in Boston, August the 30<sup>th</sup>, 1672, haue nominated Thomas Danforth, Esq<sup>r</sup>, and Major Willjam Hawthorne, Esq<sup>r</sup>, their cōmissioners, investing them with ffull power and authority to signe, rattefy, and confierme the aboue recited articles of confœderation ; and, in like manner, the Generall Court, held at Plymouth, June the 5<sup>th</sup>, 1672, haue nominated Thomas Prince, Esq<sup>r</sup>, and Major Josiah Winslow, Esq<sup>r</sup>, investing them w<sup>th</sup> like power ; and the Generall Court of Connec-ticot collony, held at Hartford, May the 9<sup>th</sup> & June the 26<sup>th</sup>, 1672, haue, in like manner, nominated John Winthrop, Esq<sup>r</sup>, and James Richards, Esq<sup>r</sup>, investing them with like power. The aboue sajd cōmissioners, being assem-

bled at Plymouth, September the 5<sup>th</sup>, 1672, hauing read & examined these aboue written articles, doe, according to their sajd comissions, & by virtue thereof, clearely and absolutely rattify and confirme the same for the reestab-lishing of a perpetuall confœderation betweene the aboue named colonjes, as was the declared intention of the former articles ; in confirmation whereof, the comissioners aboue named, by the authority graunted them from their seuerall Generall Courts, and in their name and stead, haue heerevnto subscribed their hands in Plymouth, September the 5<sup>th</sup>, 1672.

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12 October.  
See p<sup>a</sup> 685, 6

JOHN WINTHROP,  
JAMES RICHARDS,  
TH<sup>o</sup> PRENCE,  
JOSIAH WINSLOW,  
THOMAS DANFORTH,  
W<sup>m</sup> HATHORNE.

There being a vacancy accidentally left in these fower sides, I thought it necessary to fill y<sup>s</sup> vacancy w<sup>th</sup> the articles of confœderation, now signed on the day & date aboue expressed, & should els haue binn recorded amongst the Courts acts in October, 1672, but being here placed, may the better be seene, being compared with what was agreed vpon October, 1670 ; seuerall things then not consented to by the seuerall Generall Courts being here consented to & compleated.

As attest, EDWARD RAWSON, Secret.

\*In ans<sup>r</sup> to the petiçon of Andrew Warner, of Hadley, the Court, hauing perused the same, judge meet to order & impower the administrato<sup>r</sup>s to the estate of the late John Bernard to confirme the land mentioned in the petiçon to the sajd Andrew Warner, by giving him such a deed & conveyance of the land which shall & may be firme in lawe.

[\*675.]

Ans<sup>r</sup> An-  
drew Warners  
petiçon.

1671. \**Att a Generall Court for Elections, held at Boston, the 31<sup>th</sup> of May,*  
1671.

31 May.

[\*676.]

PRESENT, Ri: Bellingham, Esq̃, Gov <sup>r</sup> ,	
Jn <sup>o</sup> Leueret, Esq̃, Dep <sup>t</sup> Gov <sup>r</sup> .	
Symon Bradstreet,	} Esq̃s., Asists.
Sam Symons,	
Daniel Gookin,	
Daniel Dennison,	
Symon Willard,	
Rich Russell,	
Thō Danforth,	
W <sup>m</sup> Hathorne,	
Eliaz <sup>r</sup> Lusher,	
Jn <sup>o</sup> Pinchon,	
Edw Tyng,	
W <sup>m</sup> Staughton,	

**R**ICHARD BELLINGHAM, Esq̃, was chosen Governo<sup>r</sup> for the yeare ensuing, & tooke his oath in Court.

Jn<sup>o</sup> Leueret, Esq̃, was chosen Dep<sup>t</sup> Governo<sup>r</sup> & Major Generall, & tooke his oath as Dep<sup>t</sup> Gō in Court.

Symon Broadstreete, Coṁissioner for Vnited Colony,	} Asistants, & tooke their oathes.
Samuell Symonds,	
Daniel Gooking,	
Daniel Dennison, 2 Coṁissioner in reserve,	
Symon Willard,	
Richard Russell, & Treasurer,	
Thomas Danforth, & Coṁission <sup>r</sup> ,	
W <sup>m</sup> Hathorne, 1 Coṁis̃ in resery,	
Eliaz <sup>r</sup> Lusher,	
John Pynchan,	
Edward Tyng,	
W <sup>m</sup> Staughton,	
Edward Rawson was chosen Secretary.	

The names of the deputies from the seuerall townes returned to serve at this Court : —

Mr Edmond Batter, Mr Heñ Bartholmew, Salem.

Capt Jn<sup>o</sup> Allen, Mr W<sup>m</sup> Stiltson, Cha<sup>r</sup>s Tow.

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Cap<sup>t</sup> Roger Clap, Left J<sup>n</sup> Capen, Dorch.  
 Cap<sup>t</sup> Th<sup>o</sup> Clarke, M<sup>r</sup> Anth<sup>o</sup> Stoddard, Boston.  
 Cap<sup>t</sup> Isack Johnson, Roxb, 1 s.  
 Cap<sup>t</sup> Hugh Mason, Left Rich Beers, Water Toune.  
 M<sup>r</sup> Edw Oakes, M<sup>r</sup> Joseph Cooke, Cambridg.  
 Leif<sup>t</sup> Olliur Purchis, Lynn.  
 Cap<sup>t</sup> J<sup>n</sup> Appleton, Left Sam Appleton, Ipswich.  
 M<sup>r</sup> J<sup>n</sup> Richards, M<sup>r</sup> Th<sup>o</sup> Clarke, Newbery.  
 Left John Holbrooke, Weymouth.  
 Cap<sup>t</sup> Joshua Hubbard, Hingham.  
 Cap<sup>t</sup> Tim<sup>o</sup> Wheeler, Concord.  
 Left Joshua Fisher, Ensig Dan<sup>i</sup> Fisher, Dedham.  
 Cap<sup>t</sup> W<sup>m</sup> Davis, M<sup>r</sup> Ge<sup>o</sup> Colton, Springfeild.  
 M<sup>r</sup> Sam Dolton, Hampton, 1 s.  
 M<sup>r</sup> Rich Swann, Rouley.  
 Cap<sup>t</sup> Richard Bracket, Braintry.  
 Cap<sup>t</sup> Richard Walderne, Left Rich Cooke, Douer.  
 M<sup>r</sup> Humphrey Davy, Cap<sup>t</sup> Edw Johnson, Wooborn.  
 M<sup>r</sup> Eljas Stileman, Portsmouth.  
 Cap<sup>t</sup> Nath Saltonstall, Hauerill.  
 Cap<sup>t</sup> John Wajte, Maulden.  
 Left W<sup>m</sup> Clarke, M<sup>r</sup> W<sup>m</sup> Holton, Northampton.  
 Left Sam Smith, M<sup>r</sup> Peter Tilton, Hadley.  
 Cap<sup>t</sup> Th<sup>o</sup> Sauage, Andiver.  
 Cap<sup>t</sup> Edw Hutchinson, Kitterry, 1 s.  
 M<sup>r</sup> Arthur Angurs, Scarborow.  
 Cap<sup>t</sup> John Hull, Westfeild.  
 M<sup>r</sup> Nic<sup>o</sup> Broune, Redding.  
 M<sup>r</sup> Th<sup>o</sup> Brattle, Lancaster.  
 M<sup>r</sup> Th<sup>o</sup> Fiske, Wenham.  
 M<sup>r</sup> Hezekiah Vsher, Billirikey.  
 M<sup>r</sup> Sam Wheelewright, Yorke.  
 M<sup>r</sup> W<sup>m</sup> Sarjant, Glocester.  
 M<sup>r</sup> Th<sup>o</sup> Hincksman, Chelmsford.

Cap<sup>t</sup> Thomas Savage was chosen Speaker for this session.

\*Itt is ordered by this Court & the authority thereof, that henceforth the ministers of Gods word, regularly ordeyned ouer any church of Christ orderly [\*677.]

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gathered & constituted, shall be freed from all rates for the country, county, & church, & for the toun also, except where, by speciall contract w<sup>th</sup> the toun, they haue consented thereto; provided, this freedome shall extend only to such estate as is their oune proper estate, & vnder their oune custody & improovement.

Whereas the law requires euery toun, consisting of one hundred families or vppward, to sett vp a grammer schoole, & appointe a master thereof, able to instruct youth so as to fitt them for the colledge, & vpon neglect thereof, the sajd toun is to pay five pounds p<sup>a</sup> a<sup>n</sup>um to the next Lattin schoole vntill they shall performe that order, the Court, vpon weighty reasons, judge meete to declare & order, that euery toun of one hundred families & vppwards that shall neglect or omitt to keepe a grammer schoole, as is provided in that lawe, such toun shall pay tenn pounds p<sup>a</sup> a<sup>n</sup>um vnto the next toun schoole that is sett according to that lawe.

Whereas in the lawe, title Touneships, the seuerall tounes & selectmen of the sajd tounes haue power to impose pœnaltjes as the law directs, and whereas, many constables quæstion whither it be their duty to serve warrants from the selectmen for persons to appeare before them, & to levje fines for the remoovall of such doubts, & as an addition to the sajd lawe, this Court doeth order & require, that all constables respectively shall serve all warrants from the selectmen, & levy all such fines as shall be imposed by the sajd tounes or select men.

The Court, considering that the regiments are multipljed from three to sixe since the lawe was made requiring the serjant majo<sup>r</sup>s of euery regiment to drawe forth his regiment once in three yeares, to exerceise them in millitary discipljne, doe order, that henceforth the regimentall meetings shall be in this following order; i. e., Suffolke, this present yeare, 1671; Norfolke, including the county of Portsmouth & Douer, 1672; Midlesex, anno 1673; Yorkshire, anno 1674; Essex, anno 1675; Hampshire, 1676; & so to be continued in this order successively from tyme to tyme; & the majo<sup>r</sup>s of Norfolke, Yorkshire, & Hampshire are allowed towards their expences & entertejnment occasioned by that service, tenn pounds a peece respectively for the tyme of that service, to be paid by their respective County Tresurers. And it is also ordered, that henceforth the allowance of twenty pounds a peece, granted formerly to the majo<sup>r</sup>s of the three old regiments, shall be paid by the county Tresurers respectively for such their service, any thing contrary heerevnto conteyned in the millitary lawe, sect 2<sup>d</sup>, notwithstanding.

Comitte to  
repaire the  
toun house.

It is ordered, that Cap<sup>t</sup> John Allen, M<sup>r</sup> W<sup>m</sup> Stiltson, in behalfe of the country, Cap<sup>t</sup> Foster & M<sup>r</sup> W<sup>m</sup> Parks for the county of Suffolke, & the

selectmen of Boston for & in behalfe of the toun of Boston, shall & hereby are appointed & impowred a com̄ittee effectually & speedily, by a firme whole wall to the bottom of the braces, w<sup>th</sup> bricke or stone, to repaire the court or tounhouse, that so all inconveniencjes by rotting the timber, &c, be prevented. The charges thereof, by bill charged on the Tresurer of the country for the cleere half thereof, on the Tresurer *of the country, on the Tresurr* for y<sup>e</sup> county of Suffolke for one fowerth part, & on the Tresurer for the toun of Boston for the other fourth part thereof, shall be defrayed & discharged accordingly.

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31 May.

It is ordered, that Left Thomas Wheeler shall & hereby is appointed captaine, Thomas Hincksman left, & Henry Woodys quarter master of the second troope of horse in Middlesex, being the westerne troope of that county.

Tho. Wheeler  
cap<sup>t</sup>. Tho.  
Hincksman  
left, & Henry  
Woodys qu<sup>ar</sup>  
m<sup>r</sup> 2<sup>d</sup> troop  
Middlesex.  
Com̄ittee to  
runne the  
south & north  
ljnes.

It is left to the care of Major John Pynchon to take care & appointe meete instruments to runne the south ljne of our patent as farr as he shall see meete, twenty miles westward from Conecticot Riuer, begining where Goodman Woodward left, or otherwise he shall find it most convenient; and it is also alike left to the care of Cap<sup>t</sup> Thomas Clarke to improove like instruments for the runing of our north ljne, from Clapboard Island as farr as he sees convenient eastward; the charges of both to be defraied by the country Tresurer.

\*The present distressed & labouring case of the church of Christ in Newbery being represented to this Court, whereof they are deeply sensible, the Court doeth judge it expedient that some help be sent vnto the sajd church in a way of com̄union of churches, and therefore doe order & appoint, that the secretary doe, in the name of this Court, write vnto these seuerall churches, of Charls Toun, the first church of Boston, the church of Dedham, the church of Roxbury, desiring them to choose & send their elders & messengers vnto the church of Newbery, that they may enquire into their state, & offer them their best advice, according to the word of God, for their composure & healing, & to make a returne of what they shall finde & doe in this matter vnto this Court, or the councill of this com̄onwealth; and that the secretary doe signify this order vnto the Reuerend M<sup>r</sup> Thomas Parker, to be com̄unicated vnto both partjes there at variance in that church of Newbery; and that M<sup>r</sup> Willjam Staughton be desired to joyne w<sup>th</sup> the secretary in the writting of these letters.

[\*678.]

Order to send  
elders & mes-  
sengers of 4  
churches to  
Newbery.

The Court, being informed that the widdow & relict of the late honoured Gouverno<sup>r</sup>, M<sup>r</sup> John Endicott, Esq<sup>re</sup>, is reduced to a very low condition, w<sup>ch</sup> is not honorable for this Court, doe therefore order, that the thirty pounds p an<sup>n</sup> by

Courts renew-  
all of gratuity  
30<sup>th</sup> p<sup>r</sup> an. to  
M<sup>rs</sup> Elisabeth  
Endecott.

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this Court allowed to hir, being expired, shall & is hereby a new granted to hir, to be paid out of the country treasury annually, to be accounted from the tyme that allowance ceased, during the widdowhood of the said M<sup>rs</sup> Elisabeth Endecott.

Order for encouraging of benevolence to publ. uses.

Itt is ordered by this Court & the authority thereof, that all gifts & legacies given & bequeathed to the colledge, schooles of learning, or any other publicke vse, shallbe truly & faithfully disposed of according to y<sup>e</sup> true & declared intent of the donors ; and all & euery person or persons betruſted to receive or improove any such gift or legacies shall be liable from tyme to tyme to give account of their disposal & management thereof to the County Court of that shire where they dwell, & where such estate shall lye, who are hereby impowred to require the same, where neede shallbe, to appointe ffeoffees of trust to setle & manage the same according to the will of the dono<sup>rs</sup>.

Comitte to find out a way to dispose of powder to least dang<sup>r</sup>.

Cap<sup>t</sup> Tho<sup>s</sup> Lake, Cap<sup>t</sup> James Olliuer, M<sup>r</sup> John Richards, & M<sup>r</sup> John Joyliffe are desired by this Court to consider of the disposing of all powder in the toune of Boston, either belonging to the country or particular merchants, so as danger may be prevented, & after serious consideration, to present their thoughts to this Court as soone as conveniently they may.

Comitte abt y<sup>e</sup> lawes.

M<sup>r</sup> Richard Russell, M<sup>r</sup> Thomas Danforth, & M<sup>r</sup> W<sup>m</sup> Staughton, or any two of them, are appointed, w<sup>th</sup> Cap<sup>t</sup> Thomas Clarke & Cap<sup>t</sup> Daus, to be a comitte, & are impoured to cause the booke of lawes to be printed, & an exact table made thereto, w<sup>th</sup> a marginal noate of the word 'Repealed' vnto all lawes that stand repealed ; and the Tresurer is required to pay for the impression, & dispose of the books as to him shall seeme expedient for the publick good & advantage.

Rich. Way againe appointed left of y<sup>e</sup> Castle company.

Vpon the motion of Cap<sup>t</sup> Roger Clap, in his oune name, & on the behalf of the rest of y<sup>e</sup> officers belonging to the Castle, w<sup>th</sup> the souldjers, the Court judgeth it meete to grant their request, & doe appoint Richard Way to be leftennant of the Castle company.

Cap<sup>t</sup> Pynchon s<sup>t</sup> major.

Cap<sup>t</sup> John Pynchon is appointed to be sergant majo<sup>r</sup> for the regiment in the county of Hampshire.

M<sup>r</sup> Richards ensigne.

M<sup>r</sup> John Richards is appointed to be ensigne to the ffoote company vnder Cap<sup>t</sup> Thomas Clarke his com<sup>and</sup>.

Jn<sup>n</sup>than Poole quarter m<sup>r</sup> to y<sup>e</sup> tripartit trajne.

This Court doeth nominate, appointe, & impower Jonathan Poole quarter master to the troope vnder the com<sup>and</sup> of Edward Hutchinson, and that a comission be issued vnto him for y<sup>t</sup> end.

\*To the honoured Generall Court now assembled & sitting in Boston, 31  
May, 1671.

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31 May.

[\*679.]

The humble adresse of some of yo<sup>r</sup> most vnworthy (yet we hope faith-  
full) servants, for Christs sake, in the worke of the ministry, humbly offered. Elders ad-  
dresse.

Much hono<sup>r</sup>d : It is a great publicke blessing & benefit, w<sup>ch</sup> wee ought w<sup>th</sup> all thankfulness to acknowledge to the glory of God, not only that he hath graciously manifested his divine wisdome, power, and goodnesse in the way & working of his providence, in the transplantation of our fathers in this wilderness, and that in such a way of civil order, vnder the prudent & prosperous conduct of our first ancient & honored magistrates, as to lay a foundation for the settlement, not only of that past, but of this present, & wee hope of many succeeding generations, by such a civil polity, which is in the constitution of it euery way accomodated vnto a peaceable & prosperous enjoyment & improovement of all, both civil & religious rights, libertjes, & priuiledges as a people ; & as the people of God wee say not only, but also that God is yet pleased to blesse this our generation w<sup>th</sup> the vniinterrupted succession of a godly & able magistracy, by the annuall election of *of* such whose eminency in gifts, grace, place, & wayes of improovement doth give us cause to honour them, as the instruments in Gods hand of our publicke weale, & whom wee acknowledge as the greatest publicke pledge of our future prosperity & tranquility.

It is also to be comēmorated, to the praise of Gods past goodnesse with this people in their first perregrinations, y<sup>t</sup> he led them forth, not only by the hands of Moses, but of Aaron ; we meane that first ancient & rev<sup>d</sup> ministry whom God hath signally ouned & honored before the world, as the instruments of the transportation of the arke of the couenant, (viz<sup>t</sup>;) the presence of God in his holy ordinances, as it hath binn settled in a way of gospell order.

These things being premised & duely considered, wee solemnly & sincerely professe that it is the present & important concernment of our publick weale, both civil & religious, faithfully & ffully oune, assert, hold, & maintejne our first fundamentall interest, (viz<sup>t</sup>;) our standing vnder Gods couenant as his couenant people, & the whole djvine right of that couenant as it is to be regularly & orderly dispensed to the propper subjects of it in the administration of doctrine & worship, according to diuine institution & the apostollicall patterne in congregational churches, & that in that way of reformation which is according to the word of God, & which wee haue professed & practised before the world, not receeding from the safe & sober principles of the congregational way lajd in the first foundation of these churches by our first sound & sincere reformers, yet vtterly disclayming (according to that serious &

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solemne caution published by the presse) all spurious principles & practises, as those of seperation, Anabaptisme, Morellian (anarchicall) confusion, & licentious tolleration, which is no part of our cause, nor of the end & designe of the Lords faithfull servants, when they followed him into this land.

This solemne profession we make as a vindecation of our integrity & innocency, from the vnjust charge of innovation, which, w<sup>th</sup> a loud cry & clamour of apostacy, is lajd vpon the generality of the ministry of these churches; w<sup>ch</sup> vnjust charge wee are the more deeply sencible of, because it hath beene (if not made & managed yet) heightened & more confidently & credibly divulged by the comon & vulgar reports of the seuerall returnes of the comittees chosen by the House of Deputjes of the last Generall Court, for the discouery of the causes of Gods controuersys w<sup>th</sup> the land, and the votes of the major part of the house therevpon, concluding, determining, & declaring that declension from the primitive foundation worke, innovation in doctrine & worship, opinion & practise, & invasion of the rights, libertjes, & priuiledges of churches; an vsurpation of a lordly & prælaticall power ouer Gods hæritage, a subversion of gospell order, & all this w<sup>th</sup> a dangerous tendencie to the vtter devastation of these churches, turning the pleasant gardens of Christ into a wilderness, & the inevitable & total extirpation of the principles & pillars of the congregationall way; that these are the leuen, the corrupting gangreens, the infecting spreading plague, the provoaking images of jealousy set vp before the Lord, the accursed thing w<sup>ch</sup> hath provoked divine wrath, & doth further threaten distruction, & w<sup>th</sup>all plainly insinuating that the ministry are the Achan, the cheife incendarjes of wrath & procurers of judgment on the land; (as if in casting the lott for God,) they were taken, & the accursed thing found w<sup>th</sup> them, giving instance in the late solemne transaction of churches & elders in the constitution of the third church in Boston, as irregular, illegall, & disorderly, & so a sufficient signall of the whole discouery.

Much honoured: A conscioussesse to our oune vnworthynesse, of insufficiency vnto vnprofitableness in that holy worke whereunto God hath called us, doth compell vs humbly & patiently to beare w<sup>ts</sup>oeuer shame & reproach he shall suffer to be cast vpon vs, acknowledging ourselues to be lesse then the least of all saints, not worthy to be called the ministers of Christ; yet the conscience of our oune innocency as to the whole of this charge, (so farr as it is criminall,) & wee hope a sincere & sober zeale for the glory of God & the honor of the gospell, doe imbolden & move vs to appeare as ready at least to offer our just apologie & defence for for the remooual of that black cloud of calumnie w<sup>ch</sup> is thereby drawne ouer the churches & the ministry; much rather & gladly would wee haue borne & buried in silence the whole, had wee

binn only privately & personally concerned therein, or had it issued only as an abortive motion, w<sup>th</sup>out any abiding effect or influence vpon the spiritts of men, or the present state of affaires in these churches; but seeing it is farr otherwise, wee thought it our duty humbly to offer our present sence thereof, & to craue an expedient for the clearing of our churches & elders, & all concerned, from the high & heavy imputations therein. As to sence of it wee soberly say, —

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1. That it peremptorily & possitively presumes the whole charge, w<sup>th</sup>out prooffe by any one instance, of those hethrodox & corrupt principles & practises, & w<sup>th</sup>out putting any differenc betweene churches & churches, & elders & elders, but insinuating the charge indefinitely vpon all.

\*2. Vpon this presumption it concludeth woefull declension from primitive foundation workes, innovation, seeming to inferr thereby the dissolution of the very constitution of these churches; for if foundation worke be disturbed, & an innovation lajd by the profession & practise of those loose & corrupt principles, mentioned as inconsistent w<sup>th</sup> the being of such churches, then woe vnto vs indeed; but wee beleive that God doth yet oune these churches as to their primitive constitution, according to the true principles of the congregational way.

[\*680.]

3. It scandalizeth the professed & declared doctrine of baptisme, insinuating that no children ought to be baptized but such whose parents haue given such evidence of the grace of faith to the church, as therevpon they are admitted to full comūnion in instituted churches.

4. It ouerthrowes the constitution of our congregationall churches, by denying the membership of church children, when adult, as not hauing either the materiall nor formall cause of church membership.

5. The whole charge savoreth of a spirit vnder an extraordinary transportation, from a present, personal, & passionate concerne in the interest of a party, as appeares by the instance of the business of the third church, & so of a designe to scandalize that pretious church of Christ, at least to hinder the consumation & confirmation of that worke of God, by the peaceable settlement of that church in actuall & full comūnion w<sup>th</sup> all other churches.

6. By a misrepresentation of that weighty & worthy transaction vnder-taken & managed in a regular way, to an orderly issue, it doth deeply charge & caluminate magistrates & churches, & consequently elders & church messengers, w<sup>th</sup> dangerous designe, yea, w<sup>th</sup> a crime of infringing gospell & church libertjes, w<sup>th</sup> breach of lawe, & that in a factious way, by abetting & encouraging that which is illegall, vnto the begetting & nourishing of confusion, breaches, disunion, & diuission, & the manifest violation of rules, both of

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religion & order; all w<sup>ch</sup> is illustrated (in that paper) by the premised examples of Davids nountbering the people, of Gideons ephod, & of Eljes indulgence, thereby loading so great a part of the magistrates, churches, & elders w<sup>th</sup> the guilt & scandall of that which they suppose to be the great & criminall sinn of the t<sup>j</sup>mes, that they may (as they say) free both themselues & the country from guilt, & all this before they haue orderly inquired into the case, or could haue a regular cognizance of the true state thereof, nor acknowledging the many signall manifestations of Gods presence & asistance in his acceptance of & blessing vpon that worke.

Thus farr, much honoured, wee haue declared our greivances, from a deepe sence of the sad & afflictive consequences of this vnhappy essay, to a discouery of the evils of the t<sup>j</sup>mes, whilst wee consider how much God hath been dishonoured, how much the Spirit of God in the hearts of many of his faithfull servants hath been greived, how much an anti ministeriall spirit hath been strengthened & imboldened, how much the hearts & hands of many that labor in the worke of the ministry hath beene weakened, how much the spiritts of many haue binn prejudiced against their instructions, & filled w<sup>th</sup> groundlesse jealousies & suspitions by the misrepresenting & scandalesing of elders to their churches. These things wee lament, yet haue not now presumed to remonstrate in our oune defence; but wee doe first comend ourselues & our cause to Him that judgeth righteously, & then submitt ourselues & our whole matter to this honoured Court, humbly wayting vpon you for redresse, either by calling vs to vindicate ourselues publickely from any thing that may be publickely managed against us of this nature, or by mooving & incouradging the churches to a generall convention by their elders & messeng<sup>rs</sup> for the debate & decission of such questions, & an accomodation of such differences which hath begotten these misunderstandings, or otherwise, as in yo<sup>r</sup> wisdome you shall see meet. In the meane time wee shall pray, as in duty bound, that yow may be directed in all yo<sup>r</sup> consultations & conclusions by Him that standeth in the congregation of the mighty & judgeth amongst the gods.

EDMOND BROUNE,  
JOHN WARD,  
SAMUEL WHITING,  
JOHN ALLIN,  
THO: THATCHER, Señ,  
JOHN HIGGINSON,  
JOHN SHERMAN,  
THO: COBBET,

SEABORN COTTON,  
 THO: SHEPHERD,  
 SAMUEL PHILLIPS,  
 WILLJAM HUBBARD,  
 ANTIPAS NEWMAN,  
 SAMUELL TORREY,  
 SAMUELL WHITING, Junr.

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Vpon consideration of the petition of sundry of the reuerend elders, declaring the deepe & afflictive sence of some voates past in May, 1670, in the House of Deputjes, (vpon the returne of parte of a comitte, chosen by the honord Court to inquire into the causes of Gods displeasure,) which they conceive to reflect great reproach & scandall on the ministry in generall, & that demonstrated by an act referring to the third church in Boston, wherein some in particular are charrecterized as abetto's in the constituting that church, & thereby rendered as the troublers in our Israell, & as the Achans, &c, being an act infringing of church & gospell libertjes, & the free excercise of all ordinances by churches w<sup>th</sup>in themselues, &c, although it must be asserted, that the acts of this honoured Court, being the supreme authority, are not lable to quæstion by any, & that free debates are the indubitable right of the sajd Court, yet, forasmuch as in an hower of temptation such acts may passe in our Court as may, according to principles of religion, prudence, & state interest, be revejwed, & vpon mature deliberation, rectified,—in this case the Court conceives it duty to declare, that forasmuch as seuerall expressions in the sajd transactions haue an appearance of the justnes of the complaints in the sajd petition, and that they may not leaue any just ground of greivance in the hearts of their reucrend elders, nor their ministry be made ineffectuall by that antiministeriall spirit that too much runs thrõ the country, the Court orders & declares, that the sajd papers referring to that case are to be accounted vselesse, & not to be improoved against the reuerend elders, as the causes of Gods displeasure against the country, \*or to be made publicke. And whereas many haue taken liberty in an irregular way to publish the secretts of the Court in that case, and doe declare such are to be accountable according to the nature of the fact.

4 June.  
 Courts ans<sup>r</sup> to  
 y<sup>e</sup> elders ad-  
 dresse.

[\*681.]

7: 4: (71.)

The Court doeth further declare, that they know no just cause of those scandalizing reflections contejned in the sajd papers indefinitely against magistrates, elders, & churches, either in refference to the new church of Boston or otherwise, and therefore, till they be further informed, must judge them innocent, and vnduly calumniated and misrepresented, and doe hereby pro-

1671. fesse & declare w<sup>th</sup> the reuerend elders in their addresse, that wee doe adhere  
 to the primitive ends of our coming hither, reteyning the sober principles of  
 the congregational way, & the practise of our churches in their present &  
 most athlettick constitutions.

8 June.

8:4:71.

Ans<sup>r</sup> to Johann  
 nah Garfields  
 petiçon.

In ans<sup>r</sup> to the petition of Johannah Garfjeld, the Court, by their comit-  
 tee, hauing pervsed many writtings presented, & heard all persons concerned,  
 doe judge that the petitioner, having sold hir housing & land to hir son, that  
 sale stands good, & that the purchaser is to make good & performe to hir that  
 yearely payment ingaged, about tenn pound p añum.

M<sup>rs</sup> Hollaways  
 farne lajd out.  
 April 19, 71.

Layd out to M<sup>rs</sup> Holloway, in ans<sup>r</sup> to the Courts graunt to W<sup>m</sup>, hir sonne,  
 deceased, the 7<sup>th</sup> May, 1662, one hundred & fuetty acres of land beyond Wading  
 Riuer, neere to Pljmouth ljne, and is measured & marked out, as by the plott  
 may more fully appeare, w<sup>ch</sup> is on file: begining at the letter A, where is a tall  
 white oake, marked, & a streight ljne marked from A to B seventy two rod, vpon  
 the course southwest five degrees westerly; & from B to C the line runns north,  
 nine degrees westerly, two hundred & eighteen rod in length; and from C to D  
 the ljne runs west & by south, fower degrees southerly, one hundred forty two  
 rods in length; & from D to A south south east, fue degrees easterly, two hun-  
 dred & fuetty rod in length. At A is a tall white oake, at B a maple stake, at C  
 a heape of stones & a stake, at D a smale blacke oake. This lajd out & plotted  
 by the assignment of Leiftennant Joshua Fisher,

p JAMES TAYLOR.

The Court approoves of this returne, so as it intrench not on 'any former  
 grant.

Francis Hud-  
 sons farne.

A platt of a lott of land lajd out to Francis Hudson, conteyning three  
 hundred acres, was presented to this Court, & is on file, runing & lying vpon  
 Wading Riuer, northward of W<sup>m</sup> Hudsons farne, & measured from a red  
 oake to a white oake tree, fower hundred rods on the east; from the red oak  
 to a pine stake eighty fower rods on the south; from the pine stake to a white  
 oak stake three hundred eighty six rods on the west; from the white oake  
 stake to a pine tree, & so to a little brook, & so to y<sup>e</sup> white oake, all on the  
 north, as in the plott.

JOSHUA FISHER, May, 70.

The Court approoves of this returne of the three hundred acres lajd out.

Lajd out & measured a tract of land conteyning five hundred acres to Mr Thomas Kellond, & at his request, at Wading Riuer, nere Cap<sup>t</sup> Hudsons farme, as in the plot, on file, is demonstrated, runing from a white oake to a black oake, three hundred & eighty rod; from the black oake to a heape of stones, and a stake at Seacunck Path, nigh Woodcocks Well, eighty rods; from that heape of stones to a birch tree one hundred rods; from the birch tree to a pine stake one hundred & sixty rods; from the pine stake to another stake five hundred & fourteen rod; & from that stake to the white oake one hundred & twenty rod.

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8 June.  
Mr Tho. Kellonds farme  
lajd out.

JOSHUA FISHER, 1669.

The Court allowes of the land lajd out & returnd, so it intrench not on any other former graunt.

Moses Pajne, ensigne to the ffoote company at Braintry, being thence remooved, this Court doeth appoint Robert Twelue to be ensigne to that company in his steed.

Robert  
Twelues ensigh  
to Braintry  
company.

In ans<sup>r</sup> to the petition of Richard Way, the Court, hauing read the petition, &, by their comitte, heard what the peti<sup>c</sup>õner hath to say, & seene his accounts in his booke, & finding that to exact the whole sume of him he will haue nothing at all, as to them appeared, for his paynes & service for the country, and that also, according to his affirmation, when they found him ready to make oath, he, to gaine a peaceable settlement of that affaire, gaue & abated about one hundred & fuety pounds of his due, the premisses considered, the Court iudge it meete to abate or allow the peti<sup>c</sup>õner one hundred p añum; & so he is to pay in the whole fiveteene hundred pounds in money into the country Tresurer, & so be dischargd of his contract w<sup>th</sup> the country, prouided he give a particcular & faithfull account vnto Richard Russell, Esq<sup>r</sup>, Tresurer, & Cap<sup>t</sup> Lawrence Hamond, of his receipts for the yeare past, & the names of the persons from whom he received the custome & excise.

Ans<sup>r</sup> to Left  
Richard Way  
peti<sup>c</sup>õn.

\*In ans<sup>r</sup> to the petition of Timothy Pratt, the Court judgeth it meete to declare, that the judgment of the County Court stands good, notwithstanding the reuersing of it by the jury at the Court of Asistants, seeing the Magis<sup>ts</sup> there did not concurr to alter the sentence of the former Court, and doe referr the peti<sup>c</sup>õner to the County Court, that, if they see reason yet to give him his oath, or to abate his fine, in whole or in part, that they may doe therein as to them shall seeme best.

[\*682.]

Ans<sup>r</sup> to Timo.  
Pratts peti<sup>c</sup>õn.

It is ordered, that Cap<sup>t</sup> Daniel Gookin shall & hereby is appointed to keepe the County Courts at Douer & Yorke, w<sup>th</sup> the associates there, for this

Cap<sup>t</sup> Gookin to  
keepe Courts  
at Douer &  
Yorke, &c.

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Mr Bradstreet  
to keepe  
Hampton  
Courts, &c.

yeare, and that the County Court there give order for the raysing of a troope of horse & officers pro tempore, if they see cause to encourage that motion, making their report to the Generall Court.

Mr Saltonstall,  
Pike, Dalton  
comissioned.

Itt is ordered, that Symon <sup>^</sup>, Esq<sup>r</sup>, shall & hereby is appointed to keepe the County Courts at Hampton & Salisbury, w<sup>th</sup> the associates there, for this yeare.

Majr Dennison  
to keepe Douer  
& Hampton  
Courts.

Itt is also ordered, that Cap<sup>t</sup> Nathaniel Saltonstall, Major Robert Pike, & Mr Samuel Dalton be invested w<sup>th</sup> magistratticall power for the yeare ensuing, in the county of Norfolk.

Relating to  
goods import-  
ed at Piscataq<sup>a</sup>.

Vpon the desire of Symon Bradstreet, Esq<sup>r</sup>, to be released from keeping the County Courts at Hampton & Salisbury, alleadging some reason for it, the Court, hauing considered his motion, doe appoint Daniel Denison, Esq<sup>r</sup>, to keepe the sajd Courts for this yeare, & Mr Bradstreet is released.

Relating to  
customs.

1 Quest<sup>n</sup>. Whither the reueneue arising by rate or custome of goods imported, as also powder, paid by shipping, belonging to strangers, & brought into the River of Piscataque, is to be returned to the publick treasury of this country. This question is resolved by the whole Court on the affirmative.

Resolucon y<sup>e</sup>  
negative.

2 Qu<sup>est</sup>. Whither the mony already collected in Piscataqua River, viz<sup>t</sup>, p custome or *or* rate on goods imported, &c, and for powder, paid by shipping, that is, what hath binn received from straingers & such as are not inhabitants of the sd riuer, is to be returned to the publick tresury of this country. This question also was resolved on the affirmative by the Court.

Yorks motions  
gr<sup>ed</sup>.

3 Quest<sup>n</sup>. Whither the reueneue arising by the rate or custome lajd on goods imported, belonging to the inhabitants of Piscataqua River, which is brought into the sajd riuer, is to be paid into the country Treasurer. This quæstion is resolved on the negative by y<sup>e</sup> whole Court.

Comiittee abt  
Mendam.

In ans<sup>r</sup> to the motions of the seuerall deputjes of the county of Yorkshire: As to the first, relating to comissioners for triall of cases at the Isle of Shoales, & one of them to give oathes to wittnesses or jurjes on inquest, the Court judgeth it meete to leaue it wholly to the Court of that county to issue & doe as they shall see meete. To the second, relating to ffreeholders voating in election of county officers, the Court reffers them to the lawe in that case prouided. To the third, a magistrate is appointed to keepe their Courts as desired. & to the ffourth, Cap<sup>t</sup> Waldern is impowred to sitt in all associate Courts there, as at Douer & Portsmouth. Also, at their request, Mr Eljas Stilemans comission is continued amongst them, & invested w<sup>th</sup> magistratticall power.

This Court, being informed by some of the magis<sup>ts</sup> of Midlesex that the inhabitants of Mendam doe labour vnder some disquiet in the managing of the

prudentialls of the place, whereby their welfare is greatly impeded, & many other inconveniences doe occur, inevitably threatning the ruine of that plantation, doe therefore order & impower Major Eliazer Lusher, Mr W<sup>m</sup> Staughton, & Mr Willjam Parks a comittee for that place, to take cognizance of the state of the affaires as to them shall seeme meete, & what they shall doe herein to make returne thereof to the County Court of Suffolke, from tyme to time, Major Lusher to appoint, from time to time, the tyme & place of meeting; and all persons concernd are required, vpon notice given, to attend the sajd comittee accordingly, and to submitt to their conclusions orderly made & declared; and henceforth Mendham to be & belong to the county of Suffolke, any former order or custome otherwise notw<sup>th</sup>standing.

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Mendham to  
belong to Suffolke.

\*In pursuance of the honoured Generall Courts order of the 11<sup>th</sup> of October, 1670, for the runing of the south lye further west from Nipmucke Riuer, I went from Boston the second of May, 1671, at euening, to Dedham, for to call Leiftennant Joshua Fisher & the company for the worke. Himselfe not being well, he had prouided an artist for the worke, Francis Tajlor. Vpon the third day, wee went from Dedham, & before night fell w<sup>th</sup> the ryuer, and from the ryuers side w<sup>th</sup> a great white oake vpon the ground, which was blanchd, & had the surveyors marke vpon it, O, marked with a marking iron; from that steared west by a meridian compass, allowing nine degrees variation, we came to a marked tree blanchd, that had the letters EL & IF therein cut w<sup>th</sup> a marking iron, ouer which I had it blanchd, & set IL w<sup>th</sup> a marking iron; went to the riuer, & so doune streame, to passe the river, 1671, about a mile & halfe; wee came to a place where the riuer parted, so that there was a smale island, at the lower end of which wee past ouer to the point of the island, & so past that into the majne riuer, where, though the streame was quicke, yet not very deepe, wee past ouer, & so went vp the ryver vntill wee came into the lye against the markt tree on the east side; & vpon a hill set a stake, our first station, & sett against the stake diuers flatt stones, one hundred & tenn rod from the ryuer; the next morning past *past* on the lye one hundred & forty rod from the stake, blancht east & west, a black oake, and markt it O, the running lye; blancht the north side M, for Massachusetts, & IL 1671; past on sixty rods, markt a great white oake east & west O, north side M, 30; past on, & marked seuerall trees in the lye, east & west, till we came to a high hill, IL 1671, which is a rocky hill, & called Prospect Hill; marked a smale pine east & west O, which is three miles thirty two rods from the riuer; sixe rods forward, raised a heape of stones in the lye, & blancht a smale shrub pine by them; past on, blancht

[\*683.]

P<sup>t</sup> of Massachusetts south  
line runne, &c.  
returned.

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other trees at the miles end, marked a large pyne, & on the north side vnder the M iiii, stroakes for fower miles ; past on, & marked seuerall trees, & came to a great pine marked w<sup>th</sup> IIIII stroakes ; forty rods forward wee came to a cross marked ljne, which ran south west & north east. In this first five miles wee headed a miry meadow & two small miry swamps ; past on about sixty rods, & came to a brooke, going doune to it a steepe hill, and as soone as wee were ouer, vpon a sand bottome, there was a great white oake ; wee marked it, past on, and crost that brooke in two branches, and white oake, and presently came to a riuer, deepe & miry ; by the riuer side marked a great tree ; past on forty rods, & mett w<sup>th</sup> the same riuer, not passable ; so wee set of north sixty rod, & rann the ljne west three hundred rod, & there past the same riuer. Had wee kept on w<sup>thout</sup> setting of, wee must haue past it in the three hundred rod twice more. Wee hauing past the riuer, a good bottom, swift, not very deepe, wee tooke of our sett of, and in the right ljne marked a white oake ; ran the ljne west one hundred & sixty rods ; fell w<sup>th</sup> the same river ; past it, and vpon the hill, which is steepe going vp, there is a great white oake, which wee marked ; it had old markes vpon it ; then past thicketts, blancht & marked seuerall trees, marked a black oake, marked as the runing ljne, so on the north side, M vij ; passed on, came *came* through the thicketts, & ouer a smale plajne hill ; came to a great black oake, eight miles & forty rods, marked, as the runing ljne, so on the north side, M viij ; a litle to the northward of this tree there is a pond faire open to vejw ; past on to a white oake by a myry swampe, & blancht seuerall trees in the way ; so on to a crotchet maple, marked it w<sup>th</sup> the ljne marke, & on the north side, being ten miles, M & X. The houses erected by Inman & his sonns are a mile & a halfe or two miles w<sup>thout</sup> our south ljne. Vpon May 17<sup>th</sup>, one that sajd his name was Thomas Allin, and liues at Prouidence, came to me at Boston, & told me that he & Inman had purchased land of the Indians, part of which tract lay in our bounds, as the ljne was runn. He sajth he purchased it of Phillip, the saggamore ; desired to know if they might enjoy it, submitting to the government, w<sup>ch</sup> he desired. I told him he must haue his answer from the Generall Court ; but he must know it was against lawe for any to purchase land in our collony of the Indians, vntill they obteyned leaue of the Generall Court. He asked if it would be a trespasse to fall trees. I told him it would. I asked him if he knew of a ljne that ran south west & north east, that was marked about five miles from the riuer. He sajd it was the ljne of the Indian purchase, as he supposed. This retorne made the 3<sup>d</sup> of June, 1671, by yo<sup>r</sup> servant,

JN<sup>o</sup> LEUERETT.

The Court, hauing perused this returne, accept thereof, & order it to be recorded & kept on file, & that the constable or any concerned bring in their charge to the Tresurer of the country, who is to dischargdge it.

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In ans<sup>r</sup> to the petiçon of Edward Clarke, the Court judgeth it meet to referr the examination of the case mentioned therein to the County Court of Norfolke, who are to inquire & finde out the true state thereof, & make returne to the next sessions of this Court, who may thereby be enabled to give order for the right setling of it, & sale of land for the maintenance of the child or widdow, if there be a necessity thereof.

Ans<sup>r</sup> to Edw.  
Clarke's peti-  
çon.

\*M<sup>r</sup> Richard Wharton and M<sup>r</sup> John Saffyn, merchants & company, hauing by their petition to this Court, proposed for the advantage of trade in generall, & raysing of vsefull comōditjes, not only for the occasions of the country, but for transportation, by way of returnes & supply to other countrjes, particularly declaring they haue procured artists for raysing & producing great quantitjes of pitch, rozin, turpentine, oyle of turpentine, & masticke, for effecting whereof, as their is sufficjent matter (as they conceive) in the pyne & cedar trees of the country to produce the same, so it will be (as they alleadge) a matter of great charge to the vndertakers to effect it; therefore desire they may, vpon termes, haue the sole liberty for a considerable time to produce & make the same, & all others to be prohibited of that liberty w<sup>th</sup>in this jurisdiction.

[\*684.]

Ans<sup>r</sup> to Rich.  
Whartons  
petiçon, &c.

It is therefore ordered by this Court & the authority thereof, that no person or persons inhabitting w<sup>th</sup>in this jurisdiction, excepting the aboue sajd Richard Wharton, John Saffyn, & company, & their assignes, shall make or produce (any otherwise then hath binn practised in former tjes in this country) any pitch, rozin, turpentine, oyle of turpentine, or masticke of the pine or cedar trees in this jurisdiction, for the space & terme of tenn yeares next following the date hereof, (excepting what particcular persons shall make for their oune vse, & not for sale,) and that no person or persons whatsoeuer, excepting the sajd Wharton, Saffyn, & company, shall import into this jurisdiction any of the aboue sajd comōditjes from any parts of America for the aforesajd, and these vpon the forfeiture & confiscation of the sajd goods or comōditjes so produced or imported, the one halfe to the informer that shall prosecute the same, & the other halfe to the country; and further, for incouragement to the sajd vndertakers, this Court doeth hereby grant them the vse of the pyne & cedar trees w<sup>th</sup>in the compasse of fve thousand acres of land for that vse, in seuerall places, where they shall finde it most convenient for them, for the sajd terme of ten yeares, which is not appropriated or granted; pro-

His liberty to  
rajse & make  
pitch, rozin,  
&c.

On w<sup>t</sup> termes.

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In case of fay-  
leur.

uited allways, that what of the said comoditjes the said Wharton & company shall make & produce shall be sold for the vse of the country at reasonable rates, the pitch & rozin not exceeding fucteene shillings p each hundred weight, to be deliuered at Boston; and also pay sixe pence p cent of each of the said comodity<sup>s</sup>, pitch & rozin, of what they make out of comon timber, or els this present act & order to be voyd & of none effect as to any or so many onely of the said comoditjes they shall faile to make & supply the country w<sup>th</sup>all as aforesajd.

Ans<sup>r</sup> to Jn<sup>e</sup>  
& Sarah Smiths  
petiçon.

In ans<sup>r</sup> to the petiçon of John Smith, bricklayer, & Sarah, his wife, the Court judgeth it meet to order, that on the petiçoners giving security to the County Court of Suffolke for making good fifty pounds to the child of John Wilmot when it shall come to age, in leiw of the land mentioned in the petition, they shall & hereby are impowred, on performance thereof, to confirme the sale of that land to M<sup>r</sup> Wharton & M<sup>r</sup> Whetcombe.

Ans<sup>r</sup> to M<sup>r</sup>  
John Daven-  
ports petition,  
500 ac<sup>s</sup>.

In ans<sup>r</sup> to the petiçon of M<sup>r</sup> John Dauenport, humbly desiring this Courts favour to grant him some land, relating to his late fathers being an adventurer into the comon stock, & instrumentall in furthering of this plantation, &c, the Court judgeth it meete to grant him fve hundred acres of land in any free place, not hindering a plantation.

Ans<sup>r</sup> to Tho.  
King, Fay,  
Bentt petiçon,  
&c, for a plan-  
tation.

In ans<sup>r</sup> to the petition of Thomas King, John Fay, John How, Señ, Peter Bent, & others, of Marlborough, it being questionable whither the land desired be w<sup>th</sup>in our l<sup>j</sup>ne, & so not in the power of this Court to grant, the Court judgeth it meete to refferr the petiçoners, in case they cannot rest where they be, to looke out for a meete place w<sup>th</sup>in our l<sup>j</sup>ne to the westward, on Conecticot Riuer, to answer their expectation, and then present it to this Court, who will consider thereof.

Ans<sup>r</sup> to Philip  
Bullis petiçon,  
&c.

In ans<sup>r</sup> to the petiçon of Phillip Bullis & Judith his wife, the Court, by their comitte, hauing considered their petition, & finding hir first husband djed w<sup>th</sup>out will, & no administration granted, nor settlement of the estate by the County Court, judge meete to refferr the matter to the County Court of Suffolke, to act in setling the estate according to lawe, and also to give liberty & power to the petitioners, if they see cause, to sell part of the land for payment of the debts, maintenance of the children, & repajring of the house, gon to decay.

Ans<sup>r</sup> to Joshua  
Tyds petiçon.

In ans<sup>r</sup> to the petition of Joshua Tyd, attorney to Zecheriah Long, it is ordered that the petiçoner may haue his liberty to prosecute his appeale at the next Court of Asistants in September next, as if he had desired & binn allowed his appeale at the County Court.

Ans<sup>r</sup> to Abr.  
Busbys peti-  
tion.

In ans<sup>r</sup> to the petition of Abraham Busby & Abigaile his wife, the Court

judgeth that there is no ground for these persons to petition, & judge it meet y<sup>e</sup> matter be left till the right heire be of age to deale in it.

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[\*685.]

\*In ans<sup>r</sup> to the petition of Cap<sup>t</sup> Richard Walderne, the Court judgeth it meete to grant the petitioner two hundred acres of land in the place mentioned in his petition, as also thirty acres of meadow for his accomodation, the neerest the place before mentioned, provided it be not predisposed to toun or person; and this to be as an expression of the Courts acceptance of service donne for the country, and as a smale recompence referring therevnto.

Ans<sup>r</sup> to Ri.  
Waldernes pe-  
tition.

In ans<sup>r</sup> to the petition of George Addams, the Court judgeth it meet to refer the petitioner to sue for his right at the County Court in Midlesex, sub forma pauperis, and the said Court is hereby impowred fully to determine, conclude, & settle the same.

Ans<sup>r</sup> to Georg  
Addams peti-  
tion.

In ans<sup>r</sup> to the motion of Cap<sup>t</sup> Thomas Lake, in behalfe of himself & partners, it is ordered, that Cap<sup>t</sup> John Wincoll & John Hall, of Douer, shall & hereby are appointed & impowred to lay out the fower thousand one hundred & twenty five acres, formerly granted them, making theire return to this Court.

Ans<sup>r</sup> to Cap<sup>t</sup>  
Lakes motion.

In ans<sup>r</sup> to a grant made to Cap<sup>t</sup> John Pearce, 29 Aprill, 1668, there is lajd out sixe hundred acres of land, of which three or fower score acres is meadow, for Peter Tufts, of Charls Toun, who hath purchased the said grant of Captaine Pearse, as is testified by Cap<sup>t</sup> John Wayte: the land is south west, and about fiue or sixe miles distant from Anawpauge, vpon the roade to Springfeild, the bound lynes of the said land being extant by marked trees, many of them hauing the letters P T vpon that side of the trees comprehended w<sup>th</sup>in the lyne. The lyne north & south is the meridian lyne. This land was lajd out 6 8<sup>m</sup>, 1670, by John Flynt, vpon the testimony of Cap<sup>t</sup> John Wajte to the petition anexed, that the land was legally conveyed by Cap<sup>t</sup> John Pearse. The Court allowes of the returne, so it hinder not a plantation.

Cap<sup>t</sup> Pears  
grant lajd out  
to Peter Tufts,  
600 acres.

This Court, hauing ordered the secretary to send a copy of this Courts approbation of the articles of confederation, w<sup>th</sup> some emendations, to the Governo<sup>r</sup> & Generall Court of Connecticott for their approbation, received this ensuing letter from the Generall Assembly of Connecticot, signed by their secretary, as their answer, & is, —

Hartford, May 11<sup>th</sup>, 1671.

Honoured S<sup>rs</sup>: —

Conecticotts  
letter read in  
Court June 6,  
71.

Wee haue this session received from your secretary a copy of the conclusions of the honoured comitte of the Vnited Colonjes, June last, together

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w<sup>th</sup> the emendations your honoured selves past October last; & vpon our serious consult of the same, wee haue thought good to advise you that wee shall <sup>^</sup> concur in those alterations you haue propounded in the fowerth & seventh articles. Wee cannot see sufficient grounds to comply therew<sup>th</sup>, or vary from what the honoured comitteee haue propounded; for we conceive that that way & order in those articles, as to the end propounded by the sajd comitteee, is very rationall & just, it being an æquall & proportionable way of defraying charges & distribbting of any proffitts that may acrew, vnto which wee doe adhere & accept, and accordingly haue chosen our comissioners for the next meeting at Pljmouth, and impoured them, in behalfe of our Generall Court, to signe the articles of confederation, and to act in behalfe of this colony w<sup>th</sup> the honoured comissioners from yourselues & Pljmouth, as the matter shall require. Wee hope vpon second thought you will see reason to concur w<sup>th</sup> us in passing the articles as wee haue related. Honoured gentlemen: Wee haue thought good to take this oppertunity to give yow to vnderstand that some of our people at Windsor haue advised us that they feare that the erecting of a plantation aboue them by a grant from yourselves will prooue very prejudiciall, if not ruinous, to them. The greatest part of the auntient bounds of their toune being a barren pine plajne, they haue litle timber nearer them then a place by them called Pipestaffe Swampe, which is about sixe miles from their toune; and if that should be taken from them, they would be much prejudiced.

And therefore, vpon their request, wee haue added to their former bounds two miles northward, which is no more then they haue vsually improoved by ffeeding and getting timber on, which wee thought not amisse to acquaint you [\*686.] \*w<sup>th</sup>, that if you should be mooved to stake bounds for this new plantation, yow may consider what wee haue donne, & may not, through want of information, prejudice an antient plantation. Wee haue not further to add but our respects to you, & prayers for yow, that He who is the Wonderfull Counsellor would direct & help you through all yo<sup>r</sup> weighty concernments.

Honoured & beloued, we are your affectionate ffreinds & confederates, the Generall Assembly of his maj<sup>ty</sup>s colony of Conecticut.

Signed p their order,

p me, JOHN ALLJN, Secret<sup>ry</sup>, 1671.

Sup<sup>s</sup>cribd these for y<sup>e</sup> wo<sup>r</sup>pp<sup>l</sup> Richard Bellingham, Esq<sup>r</sup>, Go<sup>u</sup> of y<sup>e</sup> Massachusetts colony, in Boston, to be comūicated to y<sup>e</sup> honord Gen<sup>l</sup> Court there.

The Courts answer therevnto was, —

Honored Gent<sup>n</sup> : —

Wee haue received yours dated May 11<sup>th</sup>, 1671; and referring to your objection made against the alteration in the ninth & tenth articles, wee app<sup>r</sup>hend that, had you been acquainted w<sup>th</sup> the reasons that moued us therein, you would readily haue complied w<sup>th</sup> us. Wee shall at present instance only these three : —

1. The congruity betweene the noubner of persons to be sent from each colony in case of neede, & the charges expended thereby; for doubtless men & liues are of greater worth than our estates.

2. The taking the number of polls, as it admitts of jealousies & mistrust, so also may sundry wayes be injurious to the plantations.

3. The proposall is not made for to abide in that proportion foreuer; but if, after tenn or fiveteene yeares, more or lesse, the proportioning of men, & rule thereby for proportioning charges, be found to be vnæquall, it may by mutuall agreement be altered, which wee app<sup>r</sup>hend willbe a way farr more elligible then to innumerate polls of men in all the colonjes from tjme to tjme.

And in refference to your intimation given concerning our south l<sup>j</sup>ne, & yo<sup>r</sup> grant made to Windsor toune, wee are not sattisfied w<sup>th</sup> the legallity of yo<sup>r</sup> proceeds, in case the land you mention be w<sup>th</sup>in our l<sup>j</sup>ne, which hath (as you well know) been stated & actually sett out many yeares since, and your patent bounded vpon it; and where wee haue granted propriety, wee may not w<sup>th</sup> good conscience be yea and nay, the proprieto's hauing (as we vnderstand) lajd out some allotments, and haue their dependances therevpon; and that the l<sup>j</sup>ne may be more clearely knoune, wee haue appointed a co<sup>m</sup>ittee to beginn where the artist formerly left of, and markt for twenty miles or more westward. Wee shall order our co<sup>m</sup>ittee for that affaire to giue you notice of the time, that yow may haue an oppertunity, if you please, to send some of yours to accompany them in that worke. W<sup>th</sup> our respects to yow, remajne, gen<sup>tn</sup>,

Your assured loving freinds,

EDW: RAWSON, Secre<sup>t</sup>ry.

In the name & by order of the Generall Court of the Massachusets.

Boston, June 6, 1671, & directed to y<sup>e</sup> Gofino<sup>r</sup> there, &c.

In ans<sup>r</sup> to the p<sup>e</sup>tition of John Greene for and on the behalfe of the children & orphans of the late Mr John Alcocke, humbly desiring the favour of this honoured Court that the sajd lands mentioned in his petition, layd out at or neare to & about Assibath, Assabeth, or Elisabet Ryuer, & as conteyned in the quantity, bounds, & l<sup>j</sup>nes thereof on the sajd Ensigne Thomas Noyes<sup>s</sup> platt,

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Courts ans<sup>r</sup> to  
Connecticots  
letter.

Ans<sup>r</sup> to Mr  
John Greens  
p<sup>e</sup>tition in be-  
half of y<sup>e</sup> late  
Mr Alcockes  
children, &  
Courts confir-  
mation of the  
200 ac<sup>s</sup> & the  
30 ac<sup>s</sup> men-  
tioned, &c.

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surveyor, certified by Deacon Haynes to be his worke, presented & annexed, might be confirmed & ratified by this honoured Court (as in like cases accustomed) vnto the children, heires, & execcutors of the aforesajd M<sup>r</sup> John Alcocke; and also, if it may stand w<sup>th</sup> the wisdome of this honored Court, he further humbly prayes the like favor for the thirty acres of land on the other side of Merrimacke Riuer, in consideration of the sajd John Alcocks peaceable (twice) yeelding for more generall good, as is mentioned in the petiçon, & that it contracted such a double trouble & charge, besides the hazards therevpon so long a time, to obteyne at any convenient rate or place what the Gen<sup>l</sup> Court had binn pleased to grant vnto him so long before, — this Court are willing & doe hereby order the platt draune by Ensigne Noyes be accepted, and that the thirty acres so long since layd out by M<sup>r</sup> Hincksman & M<sup>r</sup> Jonathan Danforth, sajd to be supposed on reccord, but because it cannot be found, suppose it slipt reccording, doe allow of & confirme the sajd thirty acres vnto the sajd M<sup>r</sup> Alcocks children.

[\*687.]

Maj<sup>r</sup> Lushers  
comission to  
search after  
murderers, &c.

\*It is ordered, that Major<sup>r</sup> Eliaz<sup>r</sup> Lusher shall & hereby is impoured to authorize any person or persons, w<sup>th</sup> the authority of a constable, to search for, & by all effectuall ways & meanes to bring in, all such evidences, both Indian & English, as may best tend to the discouery of the murder lately comitted by the Indian in prison, as is generally beleiued, on an English person, that so the country may be preserved from the guilt of blood.

Ans<sup>r</sup> to Roger  
Connants peti-  
çon, 200 acr<sup>s</sup>  
gr<sup>ed</sup>.

In ans<sup>r</sup> to the petition of Roger Connant, a very auntient planter, &c, the Court judgeth it meete to grant the petitioner two hundred acres of land, where it is to be found out free from any former grant.

Ans<sup>r</sup> to Gloces-  
ters petiçon.

In ans<sup>r</sup> to the petition of the inhabitants of Gloucester for setling of the bounds betweene that sajd toune & Manchester, the Court judgeth it meet, & doe hereby order & appoint Cap<sup>t</sup> Thomas Lathrop & Leiftenñt Samuel Apleton to joyne w<sup>th</sup> M<sup>r</sup> Joseph Gardiner, as a comitte to inspect the difference betweene the sajd townes, &, on a hearing of both partjes & perversall of such orders as haue past this Court in this matter, to settle the sajd bounds accordingly, & to make returne thereof to the next session of Court, Cap<sup>t</sup> Lathrop & Leiftenñt Apleton to appoint time & place of meeting, the charge thereof to be borne by the townes concerned, & all agitations referring to these differences to cease in the meane time.

Ans<sup>r</sup> to Alquat  
& Wallump  
petition, sa-  
chems of Poj-  
asats.

In ans<sup>r</sup> to the petition of Alquot & Wallump, sachems of Poyasacke, neere Westfeild, complainyng that an Indian called Amoakisson sold a parcell of their land at Woronoake to Lef<sup>t</sup> Cooper, w<sup>ch</sup> is distributed amongst seuerall English inhabitants of Westfeild, w<sup>th</sup>out giving them, the true ouno<sup>r</sup>s of y<sup>e</sup> land, any allowanc, though often desired & demanded, humbly desiring this

Courts favour to releive them, the Court judgeth it meete to refer it to the County Court at Hampshire to order the petitioners sattisfaction, (if they find just cause,) and to make a finall issue of the matter, & to returne what they doe herein to the Generall Court.

1671.

8 June.

In ans<sup>r</sup> to the petition of W<sup>m</sup> Ward, John Rudduck, Solomon Johnson, W<sup>m</sup> Kerly, selectmen of Marlborough, Major Willard, Mr Staughton, & Cap<sup>t</sup> Hugh Mason are appointed a com<sup>it</sup>tee, & impowred w<sup>th</sup> the like power that the former com<sup>it</sup>tee had, to effect all things yet remayning as the setting peace at Marlborough.

Ans<sup>r</sup> to Marl  
boroughs peti.  
A com<sup>it</sup>tee ap-  
pointed, M<sup>r</sup>  
Willard, M<sup>r</sup>  
Staughton, &c.

In ans<sup>r</sup> to the petition of John Gage, humbly desiring the favour of this Court to grant him the island in Merrimacke Riuer y<sup>t</sup> lyes ag<sup>t</sup> his land, the Court judgeth it meet to grant the petitioners request, i. e., the sajd island, provided it be not already granted.

Island in Mer-  
rimacke Riuer  
gr<sup>t</sup>ed to Jn<sup>o</sup>  
Gage.

In ans<sup>r</sup> to the petition of Eljas Mauricke, the Court judgeth it meete to grant his request, & he is hereby dismiss his ensignes place.

Eljas Maurick  
dismiss his en-  
signes place, at  
his request.

In pursuance of the order of the honored Generall Court, October the 11<sup>th</sup>, 1670, appointing vs vnderwritten a com<sup>it</sup>tee to treat w<sup>th</sup> M<sup>r</sup> Richard Wharton concerning the matter proposed by him in his petition, viz., for the making of salt by improoveing the advantage of the sea water by the sun, as in other parts, wee, hauing mett w<sup>th</sup> & consulted the sajd M<sup>r</sup> Richard Wharton thereabout, doe vpon the same conclude that there is so faire a probabilitie for the raysing of salt in that way, & rationall encouragement for persons to advance as adventurers therein, that the Generall Court, in giving countenance, by their authority in granting a charter for empowring a company of adventurers thereunto, may doe a publicke service for the country; the which wee submitt to the judgment of the honoured Court. Feb 25, 1670.

Com<sup>it</sup>tees re-  
turne abt salt.

JN<sup>o</sup> ALLEN,  
TH<sup>o</sup> LAKE,  
JN<sup>o</sup> RICHARDS,  
PETER LEDGET,  
JN<sup>o</sup> LEUERET,  
EDWARD TING,  
TH<sup>o</sup> CLARKE.

The Court approoves of this returne, and doe order & impower the sajd gen<sup>t</sup>men subscribing it, who were the former com<sup>it</sup>tee, to treat w<sup>th</sup> M<sup>r</sup> Wharton about such articles of agreement as shall be necessary in this matter, & present the same to be considered of by this Court, to be confirmed if they see cause.

Their power  
renewed, &c.

1671.

8 June.  
Ans<sup>r</sup> to Fal-  
mouth petition.

In ans<sup>r</sup> to the petition of seuerall freemen of Falmouth, the Court judgeth it meet to declare, that in relation to the persons to voate, &c, the law directs; as to the bounds of the touneship, it is referred to the County Court in those parts to consider & settle, the other pt of it being already ans<sup>d</sup>.

[\*688.]

Courts resolu-  
tion of the case  
inter Daury &  
Boyse.

\*In ans<sup>r</sup> to the petition of M<sup>r</sup> Humphrey Davy, attorney to sundry persons, plaintiff, ag<sup>t</sup> Antipas Boys, or Capt<sup>t</sup> W<sup>m</sup> Daus, Th<sup>o</sup> Bratle, Jn<sup>o</sup> Joyliffe, Jn<sup>o</sup> Rowe, & Edward Rawson, ouerseers, &c, to the estate of Antipas Boyse, deceased, in an action coming to this Court by dissent of bench & jury at the Court of Asistants, the Court, hauing considered of what was presented, resolved, vpon the question, that the exception made by M<sup>r</sup> Humphrey Davy to the acco<sup>ts</sup> of M<sup>r</sup> Antipas Boys, referring to the case now depending in this Court, are to be accepted & taken as deliuered w<sup>th</sup>in the tyme conditioned betweene the sajd Davy & Boyse, & the merrit of the case is to proceed to tryall. The Court resolved this quæstion in the affirmative.

500 acres land  
g<sup>nt</sup>ed to Jn<sup>o</sup>  
Leueret, Esq<sup>r</sup>,  
Dep<sup>t</sup> Gou.

The Court, considering the labour & expences of the Deputy Go<sup>vrn</sup>or, Major<sup>r</sup> Geñll Jn<sup>o</sup> Leueret, Esq<sup>r</sup>, in seuerall journeys by him taken & performed, by order of the Generall Court, for w<sup>ch</sup> no meet recompenc hath been made to him, doe grant him five hundred acres of land in any free place.

1672.

15 May.

*Att a Generall Court for Elections, held at Boston, 15<sup>th</sup> day of May, 1672.*

**R**ICHARD BELLINGHAM, Esq<sup>r</sup>, was chosen Governo<sup>r</sup> for the yeare ensuing, & tooke his oath in open Court.

John Leueret, Esq<sup>r</sup>, was chosen Dep<sup>t</sup> Governo<sup>r</sup>, in like manner, & tooke his oath, & also Major<sup>r</sup> Geñll, & 4 Co<sup>m</sup>issio<sup>r</sup> in rese<sup>r</sup>.

Symon Bradstreet,  
Samuell Symonds,  
Daniel Gookin,  
Daniel Dennison,  
Symon Willard,  
Richard Russell, & Tres<sup>r</sup>,  
Thomas Danforth, &  
W<sup>m</sup> Hathorne,  
Eliaz<sup>r</sup> Lusher,  
John Pynchon,  
Edw<sup>th</sup> Tyng,  
W<sup>m</sup> Stoughton,

& Co<sup>m</sup>ission<sup>r</sup> for y<sup>e</sup> Vnited Colonies.

[señ oaths.  
Esq<sup>rs</sup>, were chosen Assistants, & tooke their  
Co<sup>m</sup>issioner for y<sup>e</sup> Vnited Colony.  
3 Co<sup>m</sup>issi<sup>r</sup> in reserve.

Mr Edward Rawson was chosen Secretary.

1672.

15 May.

Cap<sup>t</sup> George Corwin, Mr Henry Bartholmew, Salem.

Cap<sup>t</sup> Jn<sup>o</sup> Allyn, Cap<sup>t</sup> Lawrenc Hamond, Charls Toun.

Cap<sup>t</sup> Hope Foster, Mr W<sup>m</sup> Somner, Dorchest<sup>r</sup>.

Cap<sup>t</sup> Thō Clarke, Mr Anthony Stoddard, Boston.

Mr W<sup>m</sup> Parkes, Mr Jn<sup>o</sup> Peirpoint, Roxbury.

Leif<sup>t</sup> Rich Beers, Water Tou.

Mr Edw Oakes, Cap<sup>t</sup> Thō Prentice, Cambridg.

Leiu<sup>t</sup> Olliū Purchis, Lynn.

Mr Georg Giddings, Mr Jn<sup>o</sup> Goodhue, Ipsuich.

Mr Jn<sup>o</sup> Richards, Leiu<sup>t</sup> Thō Clarke, Newbery.

Leif<sup>t</sup> Jn<sup>o</sup> Holbrooke, Weymouth.

Cap<sup>t</sup> Josh Hubbard, Hingham.

Cap<sup>t</sup> Timō Wheeler, Concord.

Leiu<sup>t</sup> Josh Fisher, Ensign Dañ Fisher, Dedham.

Cap<sup>t</sup> W<sup>m</sup> Dais, Springfeild.

Cap<sup>t</sup> Xtoph<sup>r</sup> Hussey, Hampton.

Mr Maximil<sup>t</sup> Jewet, Mr Rich Swann, Rouley.

Cap<sup>t</sup> Rich Bracket, Braintrj.

Cap<sup>t</sup> Rich Waldern, Lef<sup>t</sup> Peter Coffin, Douer.

Mr Humphey Davy, Cap<sup>t</sup> Edw Hutchinson, Wooborne.

Cap<sup>t</sup> Ri: Cutt, Mr Rich Martyn, Portsmouth.

Leif<sup>t</sup> Georg Broune, Hauerill.

Cap<sup>t</sup> Jn<sup>o</sup> Wayte, Malden.

Lef<sup>t</sup> W<sup>m</sup> Clark, Northampton.

Mr Peter Tilton, Ens<sup>i</sup> Heñ Phillips, Hadley.

Cap<sup>t</sup> Thō Savage, Andouer.

Cap<sup>t</sup> Charls Frost, Kittery.

Mr W<sup>m</sup> Hascall, Glocester.

Cap<sup>t</sup> Jn<sup>o</sup> Hull, Westfeild.

Mr Edw Rishworth, Yorke.

Mr Riç Collicott, Saco.

Mr Arthur Angur, Scarborow.

Mr Thō Bratle, Lancast<sup>r</sup>.

Billirrica, Mr Hez: Vsher.

Mr Nicho Broune, Redding.

Cap<sup>t</sup> Thō Louthrop, Beūly.

Mr Thō Fiske, Wenham.

Cap<sup>t</sup> Thomas Clarke was chosen Speaker for y<sup>e</sup> session.

1672.

15 May.

[\*689.]

Humilia. June  
13.

Fast day.

\*This Court, considering that as in many respects wee haue contjnewed reason to humble ourselues before the Lord, so more espetially at this tjme, not only in that it appeares to be a day of sore trouble & hazzard to the people of God in generall, through the present portending comotions & combinations amongst the nations in Europe, (information whereof is come to vs,) threatning no lesse then warr & blood, w<sup>th</sup> all those innumerable evils which doe attend the same, but also in that our oune deare nation stands so particularly involved, whose sufferings wee are deeply bound to recon as our oune, and, further, cannot but expect, that as wee are of the same nation, & many wayes dependant thereon, so also must needs be sufferers with them, doe judge meet to appoint the thirteenth day of June next to be kept by all the inhabitants of this colony as a publicque day of humilliation & prayer, that our gracious God may be supplicated & intreated to saue our nation, to be a hiding place to his people in the day of their distresse, & so dispose in his soueraigne prouidence, that the present tumults of the nations may tend to hasten the accomplishment of all his glorious promises, for the deliuerance of his church & people from the anti Christian yoake, & for ourselues that he will be pleased still to vouchsafe his presence & blessing still w<sup>th</sup> us, & vpon the labours of his servants in the fruits of the earth this following yeare, and the concernments of his people in all other respects.

Itt is ordered, that besides the publicke fast, the whole Generall Court keepe a day of humiliation together, in the Court house, on the 22<sup>th</sup> instant, and that M<sup>r</sup> Whiting, Señ, M<sup>r</sup> Vrian Oakes, and M<sup>r</sup> Jn<sup>o</sup> Elliot, M<sup>r</sup> Thō Cobbet, M<sup>r</sup> John Oxenbridge, & M<sup>r</sup> Increase Mather carry on the worke of that day by prayer & preaching, & that any of the elders haue liberty to be present, if they desire it.

This Court, being desirous to prevent all dissatisfaction & inconveniences that may arise in the trjall of civil cases in inferior Courts, sometimes happening by reason of disagreement betweene the bench & jury, formerly allowed by law, do order & enact, that henceforth in all County Courts, after that the bench haue vsed all reasonable indeavours for clearing the case to the jury, by declaring the lawe, & comparing the matter of fact, & damage prooved therew<sup>th</sup>, the virdict of the jury finally given shall be accepted, & judgment accordingly entered; and for like manner shall the proceeding be in the Court of Asistants, vnless vpon apparent corruption or error in the jury giving in their virdict contrary to law or evidence, the party cast shall in open Court attaint the jury, & give sufficient bond, & suretjes w<sup>th</sup>in twelve howers after the virdict is accepted, to psecute the sajd jury at the next Court of Asistants in an account of attaint, in which case execution shall be respitted,

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15 May.

& the clarke of that Court shall summon a jury of twenty fower able & discreet men, chosen as the lawe directs, to attend the service of the Court where the said action of attaint shall be tryed in the first place; and if, on tryall of the case, there shallbe found manifest error or mistake, the party complayning shall be repaired his full damage from the other party to the originall sujte; & if by the said jury of twenty fower there be found bribery, conspiracy, or other corruption in the jury attainted, they shallbe punished by fine or imprisonment, proportionable to the degree of their offence; and if otherwise the twenty fower juro's shall acquitt the former juro's accused, they shallbe allowed double costs from the party accusing, & their virdict & the judgment of the former Court shall stand good, & execution shallbe issued forth accordingly; and that clause in the law allowing the magistrates not to concurr w<sup>th</sup> or refuse the virdict of the jury, is hereby repealed.

For explanation of & addition to the law, title Suretjes, & goods attached where it is provided that suretjes, as well as principalls, shallbe responsible for one moneth to pay the debt, vnles he or they surrender the principall into the hands of the marshall, or his deputy, but no way provided in the said lawe how the suretjes may be compelled therevnto, it is therefore ordered, & hereby declared, that in such case the party & suretjes being called, & the bond declared forfeited vpon non appearance, the case shall proceed to hearing & judgment at the same Court, as in case of the defend<sup>nts</sup> non appearance vpon attachment of goods; and if the case be found for the plaintiffe, y<sup>t</sup> judgment be granted ag<sup>t</sup> him & his suretjes, & execution to be issued out accordingly, & to be in force ag<sup>t</sup> y<sup>e</sup> suretjes, as well as the principall, for one moneth after judgment given, as y<sup>e</sup> said lawe intends.

Execution to  
issue out ag<sup>t</sup>  
suretjes.

\*The late president of the colledge, who was appointed w<sup>th</sup> others to licence such things as were to pass the presse, he being dead, the Court judg- eth it necessary that a supply be made in that place, and for that end the Court appoints M<sup>r</sup> John Oxenbridge & M<sup>r</sup> Vrrian Oakes as an addition to those already appointed; any two of whom agreeing in their approbation shall be accounted a sufficyent licence for y<sup>e</sup> presse.

[\*690.]

M<sup>r</sup> Oxenbridge  
& M<sup>r</sup> Oakes  
added to M<sup>r</sup>  
Shearman &  
M<sup>r</sup> Shepheard  
as licensers for  
y<sup>e</sup> presse.

This Court doeth order, that all the reccords of this Court and of the council, from the first begining thereof, be fairely transcribed in a legible hand, so as there maybe a faire copy thereof besids the originall, that in case of fier or other accidents the country may not suffer so great a damage as the losse of their records would be; & the Tresurer & secretary are ordered to procure the same to be donn tjmely, & on as reasonable termes as they can; &

Order for tran-  
scribing the  
reccords.

1672.

15 May.

Law phibitting  
wine or liquors  
to workmen.

the comparers (who shall be appointed by this Court) shall, vpon their oathes, declare the copie transcribed to be a true copy.

Whereas there haue binn sundry & frequent complaints prefferred to this Court of oppression by excessive wages of worke men & labourers, which, notwithstanding the endeavours of this Court to redress such oppressions, continue, & further increase, by a dangerous imposition of such persons on those they worke & labour for, by demanding an allowance of liquors or wine every day, ouer & aboue their wages, w<sup>th</sup>out which it is found, by too sad experience, many refuse to worke. Now, forasmuch as such a practize of drincking liquors & wine tends much to the rooting young persons in an evill practise, & by degrees to trayne them vp to an habitt of excesse, it is therefore ordered by this Court & by the authority thereof, & be it hereby enacted, that if any person or persons, after the publication hereof, shall give wine or strong liquors to any workmen or boyes that worke w<sup>th</sup> them, except in cases of necessity, shall pay twenty shillings for every such offence.

Fines of souldiers to be gathered by ye clarks or to be levyed on y<sup>m</sup> selues.

This Court, taking into their serious consideration the weight & necessity that lyeth on them to see that all souldjers (especially at such a season as this) should be fitted w<sup>th</sup> armes, and well skild to vse them, and because the welfare of each military troope & foot company both in their being provided w<sup>th</sup> & knowledge of their vse of armes lyeth very much in the clarke of each companys lawfull & faithfull observation & execution of his office, in the seasonable & due levying of such fines as are by lawe due for defects, the neglect whereof, too sad experienc sheweth, hath donn very great hurt in many companies, for preventing such inconveniencje for the future, this Court doeth order, that what fines shallbe due according to lawe from any souldier for defect in either armes or traynings, w<sup>ch</sup> the clarke or clarkes of the sajd troop or company shall not levy & gather into his hands w<sup>th</sup>in one moneth after the trayning day on w<sup>ch</sup> the sajd defect is made, it shall be in the power of the captaine or cheife officer of that troope or ffoote company to send the marshall or constable w<sup>th</sup> an execution, & levy the sajd fines vpon the estate of any such clarke or clarkes so defective, vnless the sajd clarke can make appeare to the cap<sup>t</sup> that he or they haue binn hindered, either by sicknes or the absence of the person delinquent, being out of toun; & it is further ordered, that the clarke or clarkes of every millitary troope or company shall once in six months render a particcular account to the cap<sup>t</sup> or cheife officer of all such fines as are levyed by the sajd clarke, that the same may be disposed of for the good of the company, according to lawe.

Allowanc for  
fortification.

This Court, considering our oune state as to ffortification, how that our forts & artillery belonging to the country, both in this toun of Boston, Charls

Toune, Salem, & Marblehead, doe need much to repaire them, that they may be fitt for service, if God should call therevnto, doe therefore order, that each of the townes aboue mentioned shall be allowed what they are rated to the country rate for this next yeare, for and towards the finishing & repaying the seuerall forts there; & that each of their rates be committed into the hands of the committee of militia in each of the aforesajd townes, by them speedily to be improved for the vse aboue sajd.

1672.

15 May.

Whereas diuers souldiers, who by law are commanded to attend military exercise vpon trayning dayes in the toune where they liue, not hauing any visisible estate whereon, the clarke of the company vnto which they belong can levy the fine due by lawe when they are delinquent, either in armes or traynings, & doe often neglect the duty in both \*keeping armes & traynings, & doe therevpon carry it boldly & provoakingly to the clarke & other officers; for prevention whereof, it is ordered by this Court & the authority thereof, that it shall be in the power of the comission officers of each compa<sup>y</sup>, or such of them as are present at the next trayning day after such offence is committed, to punish such person offending, as aboue sajd, who hath not satisfied the clarke according to lawe, by any military punishment, according to the aggravation of the crime, by either ryding the wooden horse, or by bilboes, or lying necke & heeles, or acknowledgment at the head of the company, or any punishment according to military discipljne, at the discretion of the comission officer or officers present; and in case any such delinquent shall absent himself from trayning two dayes together, that then it shallbe in the power of the cheife officer, & they are hereby enjoyned by warrant, directed to the constable of that toune, to convent such offender before him, & to proceed w<sup>th</sup> him as in this order is provided, and all constables are hereby ordered to attend their duty heerein.

Souldiers neglect & contempt, how punished.

[\*691.]

Whereas, by the lawe made May, 1669, respecting booke debts, it is declared that all booke debts shall be cleared w<sup>th</sup>in three yeares, as is therein expressed, after which time no booke debt shall be pleadeable in any Court, vpon a generall complaint that the sajd law will prove to the reall detriment of very many of our inhabitants, & the vtter vndoing of some, if a greater noumber of yeares be not allowed to shutt vp accounts; it is therefore ordered, & is hereby declared, that there shall be three yeares more added for the advantage of debtors & creditors to issue their accounts, and that all grounds of complaint in this kind may be remooued.

3 yeares more added as to booke debts.

Whereas in the law, title Burglary, it is expressed, if any person shall comitt burglary by breaking open any dwelling house, it is ordered by this Court & the authority thereof, as an addition to that law, that if any person

Addition to law, tit. Burglary.

1672. shall breake vp any ware house, shop, mill, malt house, barne, or out house, &c, any vessell on any shoare, or in any coue, creeke, or vpon the water, such person so offending shall be punished as the law provides in case of breaking vp dwelling houses.

15 May.

Hydes at liberty to be purchased.

Whereas the law, title Leather, in the latter end of the first section, doth restrajne all persons, except tanners to bargain for or buy any hides of bull, steere, ox, cow, &c, being inconvenient, in regard they are many times given in barter for shooes, the said clause in that lawe, by the authority of this Court, is hereby repealed.

Order phibbiting hides of y<sup>e</sup> countrys growes transportation out of y<sup>e</sup> jurisdiction on penalty, &c.

Whereas the lawes already made to prevent the transportation of the hydes of the growth of this colony doe not reach the end for want of a full and due execution, this Court doth therefore authorize & appoint the freemen of euery seaport towne w<sup>th</sup>in this jurisdiction to choose a meet & sufficient person from among themselues yearly, to whom all persons shall repaire who intend the transporting of any raw or ruffe hides, & shall make prooffe whence such hydes so to be transported came, & that they are not of the groweth of nor killed in this colonie, and shall take a noate from the person so authorized, of the number of hides that he intends to transport, paying one penny to the aboue said person for euery such hide. And it is hereby ordered, that no person shall ship or transport any hides whatsoever out of this jurisdiction, w<sup>th</sup>out license from the persons authorized, vpon pœnalty of loosing of such hides so shipped; nor shall any master, purser, or any other person belonging to any ship or vessell w<sup>th</sup>in this colonie, receive on board any raw or ruffe hides w<sup>th</sup>out a noate or ticket from the person so appointed first appearing, vpon the pœnaltje of paying ten shillings for euery hide so shipped; and such person authorized as abouesaid shall haue power by himself, or whom he shall appoint, to make search in any ship or caske wherein they suspect any hides to be loaden, contrary to this order, & shall make seizure thereof, and the pœnaltjes & forfeitures aboue mentioned shallbe the one third to the seizer, one third to the country, and one third to the towne from whence such hides are ship<sup>t</sup>. And it is further ordered, that the persons chosen as aboue said shallbe sworne to a faithfull discharge of their duty herein.

[\*692.]

Order to prevent Indians to steale English mens swjnes, &c.

\*Whereas the Indians that border vpon the English townes w<sup>th</sup>in this jurisdiction doe frequently sell porke to the English, and there is ground to suspect that some of the Indians doe steale & sell the English mens swjne; for there are sundry complaints of the English, especially in the inland plantations, that they loose many swjne, and that they haue just reason to suspect the Indians to haue stolne them, though it be very difficult to prooue such thefts; to prevent this, this Court doth order & enact, that all English

men doe henceforth marke theire swjne w<sup>th</sup> some eare marke, or if they neglect the same, it shall be reconed as the losse of their propriety in them. And it is further ordered, that no Indian w<sup>th</sup>in this jurisdiction shall marke any swjne vpon the eares, and that all Indians who bring porke vnto the English to sell are required to *to* bring w<sup>th</sup> them the swjnes eares whole ; otherwise, if the eares be marked, it is in the liberty of any person to seaze vpon such porke tendered to sell, and the same to be forfeited, the one halfe to the seazer, the other halfe to the poore of the place where it is seazed, to be distributed by the selectmen to them. And it is further ordered, that this law be forth with printed, published, & declare to all the Indians w<sup>th</sup>in this jurisdiction, in the Indian language, that they may attend the same ; and this law to take place & comēce eight months after publication heereof.

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15 May.

Whereas, by sad experience, it is too obvious to all our people & others that the sinn of whoredom & vncleanes growes amongst vs, notwithstanding all the wholesome lawes made for the punishing & suppressing such land defiling evils ; and whereas there is of late too just ground to suspect a greater evill growing vpon us by the bold & audacious presumption of some to erect a stew<sup>s</sup>, whore house, or brothell house, for the nourishing such wickednes, the encrease of which evil, if not tjmely prevented, may tend to the debauching multitudes of persons, & tend to the vtter ruine of their estates, soule & body, it is therefore ordered by this Court & the authority thereof, that if any person, male or female, shall presume to set vp or keepe any such house wherein such wicked lusts may be nourished & whoredom comitted, euery such baud, whore, or vile person, vpon conviction of such offence or offences, such baud, whore, or vile person shall be severely whipt at the carts tajle, thrō the streets where such offenc or offences hath binn comitted, w<sup>th</sup> thirty stripes, & thence to be comitted to the house of correction, by the master of the sajd house to be kept w<sup>th</sup> hard fare & hard labour, by dayly taske, and in defect of their duty, to be seuerely whipt euery night w<sup>th</sup> ten stripes, and once at least in euery weeke the sajd baud & hir accomplices in such vile & sinfull courses, the baud to be their leader, & the other, two & two, in hajre frocks & blew capps, by the executioner to be fastned to a hand cart, and forct along to draw all the filth lajd vpon the cart thrō the streets to the seaside, going to the gallows in Suffolke, & in all other countjes where the Court of each shire shall appoint, & so returned to the house of correction, to be alike kept w<sup>th</sup> hard fare & labour, according to the custome of the house, during the Courts pleasure there to remajne.

Courts testi-  
mony or order  
to prevent  
baudry, whor-  
doms, &c.

Punishment  
for rayling or  
scolding by  
gagging or  
ducking stools

Whereas there is no express punishment (by any lawe hitherto established) affixed to the evill practise of sundry persons by exhorbitancy of the

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15 May.

tongue in rayling & scolding, it is therefore ordered, that all such persons convicted, before any Court or magistrate that hath proper cognizance of the case, for rayling or scolding, shall be gagged or sett in a ducking stoole & dipt ouer head & eares three times, in some convenient place of fresh or salt water, as the Court or magistrate shall judge meete.

Cõmittee to  
p̃rse & send  
y<sup>e</sup> lawes to the  
presse.

It is ordered, that the former cõmittee (w<sup>th</sup> the secretary) formerly appointed to send out the lawes to the presse be heereby ordered to p̃rse the lawes now this Court made, and to make a præface & table, & what els is requisite, and send all out to be printed presently.

[\*693.]

Sect. to tran-  
scribe y<sup>e</sup> arti-  
cles of confœd-  
eration.

\*Itt is ordered, that the secretary, in the cõmission to be given to our cõmissioners for the Vnited Colonjes, shall incert theire power to sign the articles of confœderation at their next meeting, as they are now agreed vpon by this Court, and shall alsoe give them a true copie thereof, fairely written in parchment.

Cõmittee to  
take y<sup>e</sup> Tres<sup>rs</sup>  
acco<sup>t</sup>.

Mr Edward Tyng, Mr Anthony Stoddard, Mr Henry Bartholmew, & Cap<sup>t</sup> Joshua Hubbard are appointed a cõmittee to examine & take the Tresurers account, & to make returne thereof to the next session of this Court.

Cõmittees re-  
turne ab<sup>t</sup> y<sup>e</sup>  
confœderation  
& Courts, al-  
lowanc there-  
of.

Wee whose names are subscribed, being nominated and appointed by the Generall Courts of the Massachusetts & Connecticot respectively to meete & conferr concerning the reestablishment of the articles of confœderation betweene the colony<sup>s</sup> of y<sup>e</sup> Massachusetts, Pljmouth, & Connecticott, doe mutually agree to present the seuerall Generall Courts w<sup>th</sup> y<sup>e</sup> following proposall, i. e. : —

That the rule for proportioning men & raysing of moneys for the defraying of such charges as may from tyme to tyme arise vpon any warr, defencieue or offensive, begun & carried on according to the artickles of confœderation, shall be as followeth, i. e. : —

The Massachusetts, one hundred,	. . . . .	100
Plymouth, thirty,	. . . . .	thirty
Connecticott, sixty,	. . . . .	sixty

And this rule to continue for fiueteene yeares next coming after the beginning of the meeting of the cõmissioners to be held at Pljmouth in September next; and then, if any one or more of the confœderates shall apprehend the aboue sajd proportion to be vnæquall, that matter shallbe againe considered by the cõmissioners, and what they shall agree vpon shallbe presented to the seuerall Generall Courts for their acceptance & confirmation.

And in all other respects, the articles of confederation, as they were agreed by the comission<sup>rs</sup> at Boston, June 2<sup>d</sup>, 1670, w<sup>th</sup> the emendation thereof by the Generall Court, held at Boston, October 17, 1670, to stand & be confirmed.

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15 May.

For y <sup>e</sup> Massachusetts,	{	SYMON BRADSTREET,
		THOMAS DANFORTH.
For Conecticott,	{	JOHN ALLYN,
		WAYT WINTHROP.

The Court allowes & approoves of this returne.

Whither all revejws are to be entered & prosecuted in that Court where the action was at first comēced. The Court resolves this question on the affirmative.

Courts resolution of 3 questions.  
1. Ab<sup>t</sup> reveyu. Print.

Whither, vpon an action of revejw, the costs of former Courts where the action hath been tryed shall be granted to him for whom judgment is given. The Court resolves y<sup>s</sup> on y<sup>e</sup> negative.

2. Ab<sup>t</sup> costs.

Whither the lawe, title Possessions, intend the confirmation of land to the possessor where the grant of the sajd land was to another person, & y<sup>e</sup> possessor nothing to show for the alljenation thereof but his possession, according to that lawe. The Court resolves this on the affirmative.

3. Whither possession according to lawe giues title.

This Court, considering how many wayes the prouidence of God hath mercifully appeared in the behalfe of his people in these parts since their coming into this wildernes, and vs of this colony in particullar, doe judge it our duty to endeavour that a register or chronicle be made of the seuerall passages of Gods prouidence, protecting of & saving from many eminent dangers, as well in transportation as in our abode heere, making provision beyond what could in reason haue binn expected, & preventing our feares many a time, that so our posterity & the generation that shall survive, taking a vejw of the kindnes of God to their fathers, it may remajne as an obligation vpon them to serve the Lord their God w<sup>th</sup> all their hearts & soules.

Order for a chronologie, &c.

The Court, in order to the further prosecution thereof, doe order, that Major Willjam Hathorne & Major Eliazer Lusher make dilligent inquiry in the seuerall parts of this jurisdiction concerning any thing of moment that haue past, and in particullar of what hath binn collected by M<sup>r</sup> John Winthrop, Señ, M<sup>r</sup> Thō Dudley, M<sup>r</sup> John Wilson, Señ, Cap<sup>t</sup> Edw Johnson, or any other, that so, matter being prepared, some meete person may be appointed by this Court to put the same into forme, that so, after pervsall of the same, it may be put to presse.

M<sup>r</sup> Hathorne & M<sup>r</sup> Lusher.

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[\*694.]

Resolution of  
a question as  
to freight, &c.  
To print.

\*Whither S., shipping goods vpon B., to be deliuered to R., beyond the sea, the said R. paying freight, and the said B., vpon his arrivall at the port, tendring the said goods to R., and the said R. refusing to medle w<sup>th</sup> the said goods and to pay freight, whither the said B. can recouer his freight for the said goods of the said S., the said goods being left in a safe hand, by good aduice, by the said B., or whither the said B. ought not to haue satisfied himself for his freight out of the said goods, w<sup>th</sup>out molesting the said S. This question agreed upon to be put to the Generall Court for resolution by y<sup>e</sup> Court of Asistants last. This Court resolves it thus: That S. is not liable to pay freight vnto B., but B. to satisfy himself for the freight out of the goods.

Wooborn mil-  
itary officers.

Vpon a motion in behalf of Wooborne Company, it is ordered, that Left John Carter be captaine, Willjam Johnson leftennant, & James Convers ensigne to the foote company there.

Contributions  
for y<sup>e</sup> coll. left  
to y<sup>e</sup> managm<sup>t</sup>  
of y<sup>e</sup> ouerseers.

The Magis<sup>t</sup> comūnicated the councils order for obteying contributions for Harvard Colledg to y<sup>e</sup> Court, who declare, it is ordered, that the ouerseers of the colledge shall manage the contributions giuen towards the reedifying Harvard Colledge, so that the end aymed at maybe attained in all respects.

Hearing of  
cases, so as y<sup>e</sup>  
directions in y<sup>e</sup>  
patent be at-  
tended.

It is declar'd by the Court that they will attend the hearing of any case that is orderly depending & vnder the cognisance of this Court, provided that the directions given by the patent for the determination & issue thereof be attended.

Customs at  
Piscatig<sup>a</sup> to  
support y<sup>r</sup> forti-  
fication during  
Courts pleas<sup>r</sup>.

It is ordered, that all the customes & imposts any wayes rayseed or to be rayseed in Piscataqua Ryuer, for goods landed there, or drawing wine & beare, &c, be, by the officer appointed to collect the same, deliuered to the comītee of militia there, to carry an end & support the fortiffication there, till this Court shall take further order.

Sam. Symonds,  
Esq., to keep  
Courts in  
Yorks.

In ans<sup>r</sup> to the motion & request of the deputjes of the county of Yorke, Samuell Symonds, Esq<sup>r</sup>, is appointed & impowred to keepe the Courts in Yorkshire for this yeare now coming ; also, —

Cap<sup>t</sup> Walderne  
to keep Courts  
w<sup>th</sup> associates.

Cap<sup>t</sup> Richard Walderne is apointed & impowred to keepe Courts in the county of Yorkshire w<sup>th</sup> the rest of the associates there, & is also invested w<sup>th</sup> magistratticall power for that county of York for the yeare ensuing.

M<sup>r</sup> Hathorn to  
keepe Courts  
in Norfolke.

Major Willjam Hathorne is appointed to keepe the County Courts in Norfolke for this yeare.

M<sup>r</sup> Samuell  
Dalton to mar-  
ry in Hamp-  
ton, adm<sup>str</sup>  
oaths, &c.

In ans<sup>r</sup> to the motion of the deputy of Hampton, M<sup>r</sup> Samuel Dalton is appointed & impowred to solemnize marriage of persons (one of whom is resident in y<sup>t</sup> toune) being published according to lawe, and to administer oathes to wittnesses as cases may require, & also comīssionated to be an associate in y<sup>e</sup> County Courts, as the last yeare.

In ans<sup>r</sup> to the desire of the inhabitants of Haverill, Cap<sup>t</sup> Nathaniel Saltonstall is appointed & impowred to marry persons duely published, & one of them resident in y<sup>t</sup> toune ; also to administer oathes to wittnesses there.

Itt is ordered by this Court, that the kings maj<sup>ty</sup>s declaration sent to vs, against the States Generall of the United Provinces, be published by the marshall generall in the three vsuall places in Boston, by sound of trumpett.

In ans<sup>r</sup> to a motion made in behalfe of the toune of Hingham, Cap<sup>t</sup> Joshua Hubbard is appointed & impowred to marry persons duely published where one of them be resident in that toune, & to administer oathes to wittnesses there.

On a motion made in behalfe of North Hampton & Hadley, M<sup>r</sup> Henry Clarke for Hadley, & Lieu<sup>t</sup> Willjam Clarke for Northampton, are appointed & impowred to administer oathes to wittnesses in ciuill & criminall cases in the lymitts of their oune townes.

Itt is ordered, that Joseph Gardiner be leftenant to the foote company vnder the comānd of Walter Price, captaine, at Salem.

M<sup>r</sup> Thomas Daniel is allowed & appointed to be left to Cap<sup>t</sup> Robert Pikes troope.

\*In ans<sup>r</sup> to the humble desire & request of M<sup>r</sup> Francis Neale, the Court judgeth it just & reasonable that the depositions taken before any comissioner before the sajd comissioners were put doune by the alteration of government, in Yorkshire, shall be good in lawe, and accepted in any Court for the defence of the sajd Francis Neale, touching any accusations made against him. And it is further ordered, that M<sup>r</sup> Richard Collicott and M<sup>r</sup> Joshua Scottow, or either of them, shall & hereby are comissioned & impowred, by this Court & the authority thereof, to administer oathes to any person or persons in the case of the sajd Neale, & for his just & necessary defence concerning any presentments or accusations lajd or made against the sajd Neale in the County Court or Courts of Associates in Yorkshire, or in any other Courts w<sup>th</sup>in this jurisdiction.

In ans<sup>r</sup> to the motion of the deputy for Beverly, the Court judgeth it meet to grant the inhabitants of Beverly one barrell of powder out of what is or shall be taken by Marble Head of the shippes, they rendering a just account of their expence thereof.

In pursuance of the order of the honoured Generall Court, May 31, 1671, for the runing of the south līne of our patent further west from Connecticut Ryver, I went from Springfield to Windsor the 31<sup>th</sup> day of October, 1671, having M<sup>r</sup> James Taylor with me for the artist, besides the rest of the

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Cap<sup>t</sup> Saltonstalls comission, &c.Declaration ag<sup>t</sup> y<sup>e</sup> Dutch published, 28 May, 72.Cap<sup>t</sup> Hubbards comission.M<sup>r</sup> Hen. Clark & Left W<sup>m</sup> Clarks comission to adm<sup>ter</sup> oathes.

Joseph Gardiner left of foot compa. at Salem.

Thomas Daniel left to troop horse.

[\*695.]

Order ab<sup>t</sup> Francis Neale, &c.A barrell of powder gr<sup>d</sup> to Beuerly.

South līne further runne

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company, w<sup>ch</sup> I had gott ready the day before. Wee came to the house of John Bissall, against the old ferry place in Connecticott Ryver, at or about the higher end of Windsor toune, where Nathaniell Woodward & Solomon Saffery, the former artists, left off, and there wee begunn, w<sup>ch</sup> was about halfe a mile from the ryver, & vpon the rising of the hill ouer the way on the west side of John Bissalls house. We sett our compasse, & then measured directly west one mile, & at the miles end marked a red oake tree, east & west, w<sup>th</sup> the surveyo<sup>r</sup>s marke, O, & then sett on  $\frac{M}{1P}$  &  $\frac{M}{1}$ . Past on; went ouer a fence, came to the riueret, viz<sup>t</sup>, Windsor Riueret; ran through a litle meadow; marked seuerall trees in the range before, & some at the meadow, & one where a brooke runns into the riueret, & another tree by the riueret side, & then on the other side that riuer. Past on from the first mile tree, marked as aboue, one mile more, where, for our second mile tree, wee marked a great white oake in the ljne,  $\frac{M}{1P}$ , <sup>for Massachusetts</sup> M 2 for two miles. Past on, still marking seuerall trees in the ljne, & set on O, the surveyo<sup>r</sup>s marke; & at one mile further came to a pjne tree in the ljne; marked it as before,  $\frac{M}{1P}$ , M 3; went on, marking seuerall trees in the ljne w<sup>th</sup> the surveyo<sup>r</sup>s marke, O, east & west; came to a pond, which the ljne crossed, being fuety rod ouer, & going on further for one mile more, came to a great pine tree, w<sup>ch</sup> stood neere a rod & a halfe out of the ljne, & therefore marked it neere the foote of it, & on the north side of it,  $\frac{M}{1P}$ , M 4. Passed on, marking seuerall trees in the ljne w<sup>th</sup> O; came to a small white oake by a litle swampe or brooke, being one mile further, & marked it as before, on the north side, it being halfe a rod to the south of the ljne,  $\frac{M}{1P}$ , M 5. Passed on west, marking seuerall trees in the range, came to the east side of a hill, one mile further, & there, vpon the assent of the hill, marked a smale red oake in the ljne,  $\frac{M}{1P}$ , M 6. Passed on ouer the hills, marking seuerall trees in the ljne, & on the west side of the mounteyne, being another mile, marked a black oake in the ljne,  $\frac{M}{1P}$ , M 7. Passed on doune the hill, marking seuerall trees in the ljne; mett againe w<sup>th</sup> the ryver, viz<sup>t</sup>, Windsor Riueret, hauing gon halfe a mile from the former mile tree. Passed ouer the riuer halfe a mile further, riuer & all, crossing the riuer againe in a boat, & hauing passed some meadow, ascended the top of a hill by the riuer side, & there marked a black oake,  $\frac{M}{1P}$ , <sup>for Massachusetts</sup> M 8. Past on, marking seuerall trees in the ljne w<sup>th</sup> the surveyo<sup>r</sup>s marke, & one mile further came to a pine tree in the ljne; marked it,  $\frac{M}{1P}$ , M 9. \*Going on still west, marking trees in the ljne as before, came one mile further, to a black oake, & marked it as before, for tenn miles,  $\frac{M}{1P}$ , M 10. Passed on, marking trees and ouer a litle swampe, and at the head of a spruce swampe, being one mile further, marked a red oake, as before,  $\frac{M}{1P}$ , M 11 mile. Passed on ouer a

[\*693.]

swampy marsh; came to a great mounteyne; went up the mountajne about a mile, rayseed a heape of stones there; called it Walnut Tree Mountejne, and there marked a forked leaning red oake tree, which we marked on the north side of that forke w<sup>ch</sup> goes to the north,  $\frac{M}{I} \frac{P}{T}$  & the east side of this north forke wee marked  $\frac{M}{1671} \frac{M}{12}$ . Here wee ended our worke on the 3<sup>d</sup> of November, 1671, night coming on, & nothing appearing further westward but mountajnous land as farr as could be seene.

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JOHN PYNCHON.

The Court doe allow & approve of this returne, & orders it to be recorded, and that Major Pynchon haue the thanks of this Court given him for his great pajnes therein, and that the artist, M<sup>r</sup> James Taylor, be desired to make a plat of what he hath donne in parchment, protracting the l<sup>j</sup>ne formerly draune by Nathaniel Woodward & Solomon Saffery therew<sup>th</sup>all, giving his oath therevpon, & returning it to this Court to be kept on file.

Returne of y<sup>e</sup>  
southly lyne,  
&c.

It being left to Capt Thomas Clarke by the Ge<sup>n</sup> Court, May, 1671, to order & lay out our east l<sup>j</sup>ne, made his returne by George Munjoy, whom he ordered to doe it, and was: S<sup>r</sup>, I rec<sup>d</sup> your order, w<sup>th</sup> the Generall Courts order inclosed, for the running the east l<sup>j</sup>ne. I haue attended the same as speedily as I could after the instrument came, M<sup>r</sup> Wiswall accompanying me. From Clawboard Island, the place  $\wedge$  M<sup>r</sup> Jonas Clarke & M<sup>r</sup> Samuell Andrews obseruation, due east takes in about one mile & three quarters aboue New Damerells Coue, and along a litle aboue Capt Paddishalls house in Kennibecke, w<sup>th</sup> Capenawagen, Damerells Coue, Monhegen, Muntinicas, & Muntenock, w<sup>th</sup> some part of Pemequid, & most of S<sup>t</sup> Georges Island, & so runneth out into the sea, & no more land east vntill wee come to Cape Sables; this I haue observed by a lardge quadrant, w<sup>th</sup> the approbation of M<sup>r</sup> Wisewall, who is well skilled in the mathematticks, and is to my best skill & judgment due east from the aboue sajd island. If the honoured Court were pleased to goe twenty minitts more northerly in Merrimack Riuer, it would take in all the inhabitants & places east along, & they seeme much to desire it. If it be needfull I should take an oath, I shallbe in the fall at Boston, or els that I might take it at the County Court at Yorke, or to give any more playner description of it, I shall readily attend to serve the country in it & yow, & remayne,

Returne of the  
easterly lyne,  
&c.

Your servant to comānd,

GEORGE MUNJOY.

Falmouth, 9<sup>th</sup> 2 m, 1672.

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The Court, hauing read this returne, doe allow & approove thereof, and order, that the sajd Mr Munjoy draw vp a platt thereof in parchment, & make returne of the same to this Court at their next sitting, taking his oath to the trueth thereof.

Ans<sup>r</sup> to y<sup>e</sup> inhabitants of the Isle of Shoales petition.

In ans<sup>r</sup> to the petition of the inhabitants of the Isle of Shoales, humbly desiring the Courts favour. First. That such comissioners who are appointed to trye and determine cases amongst vs may haue power, as formerly, to end actions to the value of ten pounds, provided one person or more from the mayne doe sitt & joyne w<sup>th</sup> them.

2. That such dues of gunpowder of such shipping as first anchor in our roade may be here received & improoued for prouision for our safety, who are exposed to all dangers or foreigne attempts.

3. That, whereas these islands are at present divided & lyc in two countjes, the inhabitants of those two islands, which belong at present to Yorkshire, fynding, by dayly experience, the great inconvenience arising thereby, as that they are liable to great trouble & damage in being remooved farr from their busines, when called to attend vpon Courts of civil judicature farr from their homes, w<sup>th</sup> diuers other reasons w<sup>ch</sup> might be alleadged, doe humbly request that they maybe adjoynd vnto the same county vnto which Starr Island belongs.

The Court judgeth it meete to grant this petiçōn, provided that by ships, seē 2<sup>d</sup>, be vnderstood such ships as load & anchor there, & haue not paid their dutys in some other place for the vse of the country, and that Peeter Tuisden & John Fales receive the same for the vse of the country.

[\*697.]

Bounds betweene Gloucester & Manchester.

\*Wee, whose names are vnder written, being ordered by the Generall Court to settle the bounds betweene the toune of Gloucester & the toune of Manchester, in obedience to that order, hauing mett at the toune of Gloucester vpon the nineteenth day of September, one thousand sixe hundred seventy & one, and hauing dilligently perused all such papers as was presented to us, and likewise heard what was to be sajd on both partjes, haue determined as followeth, that is to say, for the bounds of Gloucester: Wee haue runne a lje vpon a west south west course from Gloucester meeting house fower miles, and there marked a pine tree, where is the bounds at that place betweene the sajd townes; and from thence vpon a streight lje to a white oake which Mr Joseph Gardiner formerly sett for the bounds; and from thence to another white oake tree at the coming in of a litle creeke at the east end of a beach,

and Manchester to end at the white oake which is by the sajd beach ; and from the aboue sajd tree Glocester to keepe the fower miles vntill they meete w<sup>th</sup> Ipswich ljne.

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THOMAS LAUTHROPE,  
JOSEPH GARDINER.

The Court approoves of this returne.

The Court, hauing perused the returne of the messengers of the churches chosen by order of the last Generall Court to inspect the differences in the church at Newbery, & to offer their best advice, according to the word of God, for the composure & healing, & to make returne of what they shall finde & doe in this matter vnto this Court or council of the co<sup>m</sup>on-wealth, and vpon due consideration thereof, judge meet to declare their approbation of the same, and desire it may be attended to accordingly by all persons respectively concerned, the particulars whereof are as followeth : —

Councils re-  
turne in New  
bury case.

& Courts ap-  
probation  
thereof.

1. Concerning M<sup>r</sup> Woodman & his company, wee doe judge their actings in w<sup>th</sup>drawing from the rest of the church to sett vp meetings amongst themselves in the name of the church, & to cut the power of the church in admonishing and suspending their reuerend pastor, & choosing elders, appointing a time of ordination, although they be the major parte of the brethren, & notwithstanding offences & provocations given them, we cannot but beare due wittnes against as a violation of church order in the gospell, & vsurpation vpon the libertjes of their bretheren ; for although the whole church agreeing may censure an officer for grosse & scandalous evils in doctrine or conversation impenitently persisted in, according to Col: 4, 17 ; Ro: 16, 17, as is alleadged in the platforme of discipline ; yet, in a divided state of the church, for the majo<sup>r</sup> p<sup>te</sup>, & that by but a very few, & that in a matter doubtfull & disputeable, to act as is aforesajd, is a matter of great disorder, & scandalous, & contrary to 1 Thes: 5, 13 ; 1 Cor: 5, 4 ; 1 Cor: 13, 4 ; Gall: 5, 13, & the alleadged by themselves, & therefore is a nullitje.

2. Concerning the act of the reuerend pastor, & those w<sup>th</sup> him, in suspending M<sup>r</sup> Woodman & the brethren w<sup>th</sup> him, notwithstanding the offence given them, yet to passe such an act or censure suddainly, & thereby increasing the rent, & occasioning greater diuissions, & themselves being the minor parte of the church, & not seeking other healing meanes, or taking councell, is irregular & null. 1 Cor. 14, 40 ; 2 Cor. 13, 10.

Thus farr wee haue in faithfullnes declared our judgments concerning offences & faylings each party are guilty of. Some other things that are more

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dubious in the agitations before us, wee shall only give our advice about, to avoyd vnnecessary disputes about them for the future.

1. Whereas our Lord Jesus Christ hath given libertje of voteing in all their oune concernes to the whole church, it necessarily followes that the judgment of the whole church should be clearely manifested; & forasmuch as the Scripture mentioneth lifting up of hands, Acts 14, 23, wee judge that the most cleare way, & rather to be chosen, & that a sufficient number should appeare to discouer a major pte, the rest being silent.

2. Wee advise Mr Woodman, according to the 4<sup>th</sup> comāndment, to attend dilligently on the publick worship of God on the Lords dayes, avoyding offence & ill example in the contrary so farr as his bodily infirmitjes will suffer him so to doe.

[\*698.] 3. In refference to Reuerend Mr Woodbridge, we advise & intreat, that whereas the peace & ædification of the church of Christ is much promoted by, & depends vpon, the amicable close of spirit & vnited judgment betweene the officer & brethren, the speaker & hearers, the enemy being vigilant to take all advantages to hinder the gracious operation of the holy word of God in the publick ministry thereof; & whereas there doeth appeare not only some hæsitations, but distanc in judgment in refference to discipljne, & of affections, & some ouer provoking words passed in publicke in our hearing, wee desire, request, & advise Mr Woodbridge not to impose \*himselfe or his ministry (howeuer otherwise desirable) vpon this church, but that they haue the liberty that Jesus Christ gospell rule & approoved church order doeth allow them to choose their oune minister, that all obstruction to ædification & ground to temptation maybe remooued, as was intimated was the minde of the former council, but to wayt to see the minde of God in the issue of the reconcilliation of the church, if God shall guide their hearts to closing w<sup>th</sup> him.

4. Wee advise hereafter ecclesiasticall offences be not too suddainely brought to civil Courts, w<sup>th</sup>out first consulting w<sup>th</sup> churches, being contrary, as wee judg, to 1 Cor. 5: 6, 7.

5. Considering the great age & weaknes of Reuerend Mr Parker, & thereby his vnfitnes to manage church discipline, wee advise it as very suiteable & seasonable to this churchs case, to chuse a ruling elder or two, provided they be w<sup>th</sup>out just offence to either partje for the healing this great breach & offences that haue brought so much dishono<sup>r</sup> to God & the proffession of the gospell, & binn so destructiue to the ædification of this church & the people of this plantation. Wee doe aduise & most seriously exhort in the name of our Lord Jesus Christ vnto these dutjes, which the Lord requires of this church in such a case, —

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1. That this church be sincerely & deeply humbled before the Lord as for their diuissions, distances, & want of loue in generall; so also in particullar for such faylings & evils as wee haue before mentioned, & that according to the nature & scandalousnes of the evils any of them haue fallen into, then that euery one may know & acknouledge the plague of their oune heart before the Lord, according to the rules of Christ, Math. 18, 3; Rev. 3, 5. Repent & doe thy first workes, & as God shall open their hearts, shall confess to one another, according to James 5, 16.

2. Wee doe advise & exhort, after due humiliation, there be a mutuall, hearty, & free forgiveness of each other according to the rules of Christ: If thy brother repent, forgive him euen to seventy times seven, Math. 18, 22; Col. 3, 13, forbearing one another as God for Christs sake forgave yow. Math. 18, 35.

3. Wee advise & exhort that this repentance may be manifested by all such acts of reformation & loue as is suiteable to the grace of true repentance, Math. 3, 8; bring forth fruits meete for repentance, & that heereafter the whole church walke according to y<sup>e</sup> rule of faith, loue, & the order of the gospell, wherevnto yow lately had a seasonable exhortation, that so peace & mercy may be vpon yow, w<sup>th</sup> the whole Israell of God.

The Court further ordered the ensuing letter to be written to y<sup>e</sup> church of Newbery, w<sup>ch</sup> was, & sent.

Reuerend & beloued in our & your Lord —

By these wee signify to yow, that wee haue received the returne of the twelue messengers of churches, elders, & brethren, of their travaile & paynes w<sup>th</sup> you, in pursuance of their churches call upon our desire vpon the reading & considering of their result, wee haue passed our approbation of the counsell therein given vnto you, as suiteable to your case, which wee remitt to yow w<sup>th</sup> these; & although wee might enjoyne you, yet for loue sake wee beseech you, & euery one of you, as yow are concerned therein, pastor & people, preacher & hearers, howeuer before divided, that yow joyntly attend the counsell so given vnto yow, that wee may say of you, that thõ for some time yow haue been vnproffittable each to other, yet now yow are become proffittable againe as in former tmes, & that the churches of our Lord Jesus that haue been sadned by your diuissions & contentions may haue cause to reioice in & before the Lord on your behalfe, and the name of the Lord that hath been dishonoured may be honoured by your mutuall putting forth such acts of faith & repentance as may reach to the recouering of yo<sup>r</sup> peace w<sup>th</sup> the Lord, & one w<sup>th</sup>

Courts letter to  
Newbury  
church.

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another, that so you may be found in the more excellent way of charity, manifesting yourselves unto all men that you are Christs disciples, by loving one another. Our just expectation is, that you delay not in this greater concern, but that you apply every one in your respective places unto the furtherance thereof. Should there be a failure in you or any of you therein, (which the Lord forbid,) you may not think but we shall be necessitated to advise what further course is to be taken according to God, that contentions may be removed, & peace restored among you, thus praying that you may have hearts opened & bowed to the will of God in his word. We commend you to the Lord & the word of his grace.

By the Court.

EDW: RAWSON, Secret,

& was directed to the Reverend Thomas Parker, pastor of y<sup>e</sup> church of X<sup>t</sup> in Neubury, to be communicated to the church there.

Courts grant of  
150 ac<sup>s</sup> to  
Francis Ad-  
dams.

In ans<sup>r</sup> to the petition of Francis Addams, wife to James Addams, & daughter to y<sup>e</sup> late W<sup>m</sup> Vassall, the Court judgeth it meete to grant the petitioner a hundred & fifty acres of land in any free place where it may be found.

[\*699.]

Georg Smiths  
200 acres laid  
out.

\*Laid out to George Smith two hundred acres of land in the wilderness, on the north<sup>m</sup> side of Merrimacke River, about 3 or 4 miles beyond the river, in the way as you goe to Jeremiah Hills, & on the west side of Beuer Brooke, at the head of the long pond, & partly bounded by the said pond at the south angle, it being at a great white oake neere the said pond; & from thence it runs three degrees and a halfe northward of the northeast one hundred & eighty poles unto a remarkable white oake, (it being a naturall mortice made through the middle of the tree;) from thence it runs twelve degrees northward of the west two hundred twenty & six pole; and againe from the first white oake it runs west & by north one hundred & eighty pole, & from thence it runs twenty seven degrees eastward of the north one hundred & sixty six pole, w<sup>ch</sup> closeth the worke; it ljeteth in fashion of a ramboyce. Laid out the 11<sup>th</sup> 3<sup>d</sup> m<sup>o</sup>, 1672.

By JONATHAN DANFORTH, Surveyor.

The Court approoves of this returne, so it lye not w<sup>th</sup>in any former graunt.

Ans<sup>r</sup> to Gar-  
feilds petition.

In ans<sup>r</sup> to the petition of Edward Garfeild & Johanna Garfeild, his wife, the Court, by their committee, having heard the allegations & evidences on both sides, doe judge that the corne presented by Hugh Clarke be deliuered &

received, and a discharge given for the same, and for what is or shallbe due for tyme to come; the pay & spetia to be made as in the first bond or deed.

1672.

In ans<sup>r</sup> to the petition of Elisabeth Jackson, y<sup>e</sup> relict widdow of M<sup>r</sup> Richard Broune, humbly desiring y<sup>e</sup> favo<sup>r</sup> of this Court to confirme such sales as she shallbe necessitated to make of lands for hir releife, &c, the Court judgeth it not meet to grant hir request.

15 May.  
Ans<sup>r</sup> to Elis.  
Jackson peti-  
tion.

In ans<sup>r</sup> to the petition of Leif<sup>t</sup> David Wilton, the Court doe grant the peti<sup>o</sup>ner his request, & discharge him of the office of leif<sup>t</sup> to the troope in Hampshire; and to the other part, referring to his desire of confirmation of his mortgage fr<sup>o</sup> the Indian sachem Checkwall & Paquahlant, for debt, &c, the Court, considering the petitioners long serving of the country, doe grant vnto him one hundred acres of land in that place desired, provided it be free land, & so in this Courts power to dispose off.

Ans<sup>r</sup> to David  
Wiltons peti-  
tion & grant of  
one hundred  
acres.

In ans<sup>r</sup> to the petition of Vashty Braddish, widdow, this Court, considering the sad condition of the sajd Vashty Braddish, & hauing pervsed hir husbands will, who hath made hir sole executrix, & given all his lands & goods to be at her dispose, & for asmuch as she is now reduced to great pouerty & misery, & hir body very weake, & hir vnderstanding debillitated, & there being a house & lands at Cambridge, part of hir late husbands estate, & now at hir dispose by the will, the rent whereof will not reach by farr to majnetejne hir, the premisses considered, it is ordered by this Court, that Cap<sup>t</sup> Thomas Sauage & M<sup>r</sup> Peter Bracket shall & hereby are authorised & impoured to make sale of all or so much of the sajd lands as shallbe necessary to mainteine the sajd widdow during hir life, & keepe an acco<sup>t</sup> of what is disbursed, & tender it to the County Court of Suffolke or Midlesex when called therevnto; provided alwayes, that the children of the late Robert Bradish haue the first tender of the sale of the sd land, that if they desire to purchase it, & make suiteable pay for releife of the sajd widdow.

Ans<sup>r</sup> to Vashty  
Bradish peti-  
tion.

In ans<sup>r</sup> to the petition of Francis & John Wyman, the Court, by their comitte, finding that the last order of this Court about setling the bounds betweene Wooborne & Billirrica, dated 12 October, 1669, by various interpretations put vpon it, makes the case difficult, & that it was donne in the absenc of the Wymans, (who were concerned much therein,) and finding no better way for quietting of all partjes concerned therein, that they may liue in peace & loue, & for preventing future trouble to the Court, then to sett a certeine rate vpon Jn<sup>o</sup> & Francis Wymans farme for so much thereof as lyes in Billirrica, (as the bounds by that order are settled,) in consideration \*whereof, the Court orders it to be thirty eight shillings p annum for country, tounne, & church rates; & for that part of this farme that lyes in Wooborne what the

Ans<sup>r</sup> to Wy-  
mans peti<sup>o</sup>n.

[\*100.]

1672.

15 May.

sajd Francis & John Wymans are rated there for all rates, the halfe thereof shall be pajd to Billirrica by the sajd Wymans, & the other halfe to Wooborne, according to the former order of Court & agreement for settling their bounds; and for what they haue binn rated by the toun of Billirrica for the yeare 1671, the Wymans shall pay what is behind vnpaid thereof.

Ans<sup>r</sup> to Peter  
Coffins peti-  
tion.

In ans<sup>r</sup> to the petition of Peter Coffyn, the Court judgeth it meete to im-  
power our honoured Dep<sup>ty</sup> Go<sup>d</sup>, Richard Russell, Esq<sup>r</sup>, & Cap<sup>t</sup> Lawrence  
Hamond a co<sup>m</sup>ittee to treat w<sup>th</sup> & audit the account mentioned in his petition,  
& make their report to this Court how they find it, that so this Court may  
determine his just satisfaction.

Ans<sup>r</sup> to Jn<sup>e</sup>  
Smiths peti-  
tion.

In ans<sup>r</sup> to the petition of John Smith, of Charls Toun, humbly desiring  
to allow & confirme of a deed of sale to him made by Monopoad, Moshonpa,  
Matomoag, Sevat, Symon, & Neamia, Indians, for debt long since due to him,  
the Court sees no cause to grant the petitioners request.

Ans<sup>r</sup> to Rouley  
villag<sup>s</sup> peti-  
tion.

In ans<sup>r</sup> to the petition of Maximillian Jewet & Richard Swann, deputjes  
for Rouley, humbly desiring that whereas there is a village apperteyning to  
Rouley in w<sup>ch</sup> are a considerable nnumber of souldiers, who are desirous that  
they may continue vnder the excercise & co<sup>m</sup>and of the military officers in  
Rouley, to whom they properly belong, so to order & appoint that there they  
may attend their co<sup>m</sup>ands, & doe y<sup>e</sup> service w<sup>ch</sup> God & the country requires  
of them in the millitary affaires in Rouley, &c, the Court judgeth it meet to  
graunt their request.

Ans<sup>r</sup> to John  
Prescotts peti-  
tion, 100.

In answer to the peti<sup>c</sup>on of John Prescott, the Court, receiuing good in-  
formation that y<sup>e</sup> peti<sup>c</sup>oner is a auntient planter, & hath binn a vsefull, helpfull,  
& publicque spirited man, doing many good offices for the country, relating to  
the road to Connecticott, marking trees, directing passengers, &c, and that the  
land petitioned for being but about one hundred & seven acres, & lying not  
convenient for any other plantation, & only accomodable for the petitioner,  
the Court judgeth it meet to confirme y<sup>e</sup> Indian sale, & grant made to him  
by James Joiser, an Indian, & to his heires.

Ans<sup>r</sup> to Edw.  
Heyes peti.

In ans<sup>r</sup> to the petition of Left Edward Heyes, the Court judgeth by what  
is declared by the petitioner, & the euidences by him produced, that he is ex-  
ceedingly wronged; first, in that execution granted against him for forty two  
pounds nine shillings, vnto Walter Barefoot, for a debt due from one Henry  
Berkley, the proceedings therevpon appeares to be illegall; & in that case the  
petitioner may proceed in the co<sup>m</sup>on lawe against the officer or procurer of the  
sajd execution. For the other case, concerning a judgment, pretended to be  
acknowledged by Edward Heyes at a Court at Saco, vpon a pretended bill  
due to Walter Barefoot from Edward Heyes, but the sajd Heyes vtterly

denying any debt owing by him to Barefoot, which also seemes to be demonstrated by an account made betweene Heyes & Barefoot in the presence of Nicholas Shapley & Abraham Corbett, dated long since the date of the pretended bill, that Barefoot was indebted to Heyes; also the said Heyes vtterly denyes, & offered to giue his oath for it, that he was neuer at Saco in his life, & that he neuer acknowledged the pretended judgment vnto Walter Barefoot, part whereof is attested by Nicholas Shapley. In this case the Court doe order the suspending the levying any execution vpon the said judgment granted against Heyes, vntill Walter Barefoot shall remoove this obstruction at some County Court, to be held in Yorkshire, by obteyning their order for levying the said execution against the said Heyes.

1672.

15 May.

In answer to the petition of John Clough, John Tapping, & seuerall others, hatters, the Court judgeth it meet to declare, that when the hatters shall make as good hats & sell them as cheape as are afforded from other parts, they shall be willing & ready to answer their petition.

Ans<sup>r</sup> to y<sup>e</sup> hatters petition.

\*In ans<sup>r</sup> to the petition of Richard Foxwell & Richard Comings, the Court judgeth it meete to grant the petitioners request, & referr the hearing of the case to the County Court of Yorkshire next, who are hereby impoured to call all partjes concerned before them, & to heare all pleas, retourning to this Court what they finde just & æquall therein, that so this Court may determine the same.

[\*701.]

Ans<sup>r</sup> to Rich. Foxwell & Rich. Comings petition.

In ans<sup>r</sup> to the petition of John Vsher, the Court judgeth it meete to order, & be it by this Court ordered & enacted, that no printer shall print any more coppies then are agreed & paid for by the owner of the said coppie or coppies, nor shall he nor any other reprint or make sale of any of the same, w<sup>th</sup>out the said owners consent, vpon the forfeiture and pœnalty of treble the whole charges of printing, & paper, &c, of the whole quantity paid for by the owner of the coppie, to the said owner or his assignes.

Ans<sup>r</sup> to John Vshers petition.

In ans<sup>r</sup> to the petition of seuerall the inhabitants of Scarborough, the Court judgeth it not meete to grant their requests therein mentioned.

Ans<sup>r</sup> to Scarboroughs petition.

In ans<sup>r</sup> to the petition of Willjam Broune in relation to satisfaction for moneys lajd out by M<sup>rs</sup> Ann Harvey for the incouragment & promoting of this gouernment, the Court judgeth it meet to grant the petitioner, Willjam Broune, three hundred acres of land where it is to be found, not hindering a plantation, as full satisfaction to his demands.

Ans<sup>r</sup> to W<sup>m</sup> Brounes pet<sup>n</sup>, & 300 ac<sup>rs</sup> granted to him.

In ans<sup>r</sup> to the petition of Major Bryan Pendleton, humbly desiring that he may be satisfied for what he expended in taking & sending doune Capt Bonython, an acco<sup>t</sup> whereof is annext to his petition, the Court allowes of this account, & orders the Tresurer of the country to discharge it.

Ans<sup>r</sup> to M<sup>r</sup> Pendletons acco<sup>t</sup>s & petition.

1672.

15 May.  
Ans<sup>r</sup> to Con-  
cord peti<sup>ti</sup>on.

Addams farme  
100 acres y<sup>t</sup> was  
Stevens.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of seuerall inhabitants of Concord, the Court judgeth it meet to refer the consideration thereof to the County Court of Middlesex, who are hereby ffully empowred to make a finall issue thereof, as in their wisdome they shall see meete.

The plat of land of John Addams, being one hundred acres, granted by the Generall Court to W<sup>m</sup> Stevens, October 11<sup>th</sup>, 1665, as it was lajd out by David Fiske, surveyo<sup>r</sup>, was brought into the Court, & is on file, lying at Weshecum, nere the south side of that pond, and is bounded from A to B 170 rods; runeth from B to C forty six rods; & from C to D ninety two rods; & from D to E fiuety three rods; from E to F thirty five rods; from F to G one hundred & seven rods; from G to H seventy two rods; from H to A fiuety rods. The Court allowes of this returne, so as the land be not already granted.

Ans<sup>r</sup> to inhab-  
itants of Con-  
cord & Sud-  
bury petition  
to prevent  
damage by off-  
floing on y<sup>e</sup>ir  
meadows.

In ans<sup>r</sup> to the petition of seuerall inhabitants of Concord & Sudbury, the Court doeth order & impouer the honored Dep<sup>y</sup> Go<sup>u</sup>, Jn<sup>o</sup> Leueret, Esq<sup>r</sup>, Major Symon Willard, Cap<sup>t</sup> Prentice, & Leiut Beers, as a comitte<sup>e</sup>, to order & determine whateuer may be judged by them necessary for the end desired, the chardge to be borne by the partjes concerned, the power of acting & concluding to be in any three of them, the Dep<sup>y</sup> Gouverno<sup>r</sup> being one.

Jencks propo-  
sal for money  
d<sup>y</sup>d.

In ans<sup>r</sup> to the humble proposall of Joseph Jencks, Señ, for y<sup>e</sup> making of money, &c, the Court judgeth it meet not to grant his request.

Ans<sup>r</sup> to Hat-  
feild petition.

In ans<sup>r</sup> to the petition of the select men of Hatfeild for the setling the Courts grants betweene them & Dedham, it is ordered, that Leiut W<sup>m</sup> Clarke, Lef<sup>t</sup> Samuell Smith, & M<sup>r</sup> Peter Tylton shall & hereby <sup>be</sup> nominated & appointed to settle the grants in the petition mentioned, at the charge of the petitioners, & that they make their returne to the next session of Court.

[\*702.]

Ans<sup>r</sup> to John  
Wiswalls peti-  
ti<sup>on</sup>.

\*In answer to the peti<sup>ti</sup>on of M<sup>r</sup> John Wisewall, guardian to John Nicholls, the Court judgeth it meet that he be dismissed from his guardianship, provided that he, with the saj<sup>d</sup> Nicholls, doe procure some able person in his roome, who is willing to accept thereof, & shallbe approved by the County Court of Suffolke.

Ans<sup>r</sup> to Joshua  
Atwaters &  
Farlys peti-  
ti<sup>on</sup>.

In ans<sup>r</sup> to the petition of Joshua Atwater & George Farley, the Court declares, that on the petitioners returning John Russells to prison, the peti<sup>ti</sup>oners bonds shall be discharged.

Ans<sup>r</sup> to inhab-  
itant of North-  
ampton &  
other townes  
as to a village  
at Squakeage,  
&c.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of seuerall the inhabitants of Northampton & other townes, the Court judgeth it meet to declare their readines to grant the petitioners & theire associats a convenient quantity of land at Squakeage for a village, provided there be twenty able & honest persons, householders, doe appeare, (such as this Court shall approue of,) that shall

give in their names to Major Pynchon, to be presented to the next Generall Court, with ingagement, vnder their hands, that they will settle vpon the place not less then twenty familjes within eighteene months after the grant, & will then also appoint the quantity of the land for that end, & also appoint a comitte to order that affaire; provided alwayes, that the persons that ingage to erect this village take due care to provide for & mainteyne the preaching of the word & ordinances of God amongst them. And it is ordered, that there be a farme of three hundred acres of land reserved for the country in such a fitt & convenient place in that village as the comitte of this Court, that shallbe appointed, & for that affaire, shall choose & sett out; and if the petiçoners, in the interim, shall purchase the Indian title to these lands, it shallbe the countrys, except they doe performe the conditions of the grant.

In ans<sup>r</sup> to the petition of Thomas Haukins, the Court judgeth it not meete to grant his request.

In ans<sup>r</sup> to the petiçon of Walter Barefoot, the Court judgeth it not meet to graunt his request.

In ans<sup>r</sup> to the petition of Thomas Norman, the Court sees no cause to make any abatement of the petitioners fine.

Vppon the motion of the gent<sup>n</sup>, Mr John Allyn & Mr Wayte Winthrop, comissionated from the Generall Court of Connecticot to treat about the lje betweene vs & them, & settling their bounds, although our south lje hath binn stated & settled many yeares since, yet, to shew our readines to an amicable & loving compliayce w<sup>th</sup> them touching that affaire, and in order to the accomodating their auntient toune of Windsor, whose bounds, as they say, are to much streightned, & some mens proprieties prejudiced by our south lje bordering so neare vpon the said townes of Windsor & Symsbury, this Court doe therefore grant to Connecticot that the bounds of Windsor may come northward into our lje to the foote of the falls in Connecticot Riuer aboue Windsor, & so much vp the riuer into the falls there as to state & settle the bounds betweene us forty rodde below the ffoote of the great island against the falls in Connecticot Riuer; and that from thence a lje be runne from the great Riuer Connecticot fower miles east, & then to runn south to our lje already runne & settled many yeares since; and for the west side of Connecticot Ryuer, also, that, at forty rod below the ffoote of the island aforesajd, the lje to runn & continue from the great river aforesajd tenn miles west, & then to runne south to our lje where it was runne last yeare by Major Pynchon, \*at the appointment of this Court; and in this concession of ours wee declare no former grants by this Court to particcular persons shall be prejudiced, & that there shallbe free liberty of tumber for the vse of the sawmill on Stony Riuer,

1672.

15 May.

Courts ans<sup>r</sup> on y<sup>e</sup> negative to Tho. Haukins petiçon.

Idem ans<sup>r</sup> to Walter Barefoots petition. Ans<sup>r</sup> to Tho. Norman petition on negat.

Courts concession to Connecticot as to enlarg<sup>nt</sup> of Windsor bounds

[\*703.]

1672.

15 May.

neere these bounds, our l<sup>j</sup>ne ; and in case of the Generall Court of Connecticutts non acceptance of this our neighborly & amicable consideration, this concession & condiscention shall by no person or persons, way or meanes, whatsoever, be any wayes construed to the least question or prejudice of our indubitate right in our l<sup>j</sup>ne for aboute thirty yeares since runne & settled ; and on their acceptance hereof, that the sajd grant & concession be runn by Major Pynchon, or his order, giuing notice to the gent<sup>a</sup> of Connecticut to order some of theires to joyne w<sup>th</sup> him therein, & that this be donn before winter ; and that there be once in three yeares a runing the same & keeping vp the marks & bounds thereof by some of the next townes adjoyning or bordering on the same.

Ans<sup>r</sup> to Salisbury petition  
& George Carr.

In ans<sup>r</sup> to the petition of the inhabitants of Salisbury, as also that of Mr George Carrs, it is ordered, that Deare Island & Eagle Island, petitioned for as to the propriety remajne the countrys, the timber & trees to be for Georg Carr for the vse of the bridg, till this Court take further order ; the herbage of them, w<sup>th</sup> liberty to cutt doune brush & vnderwood to make pasture for sheepe, to be to & for the vse of the sajd toun of Salisbury.

Ans<sup>r</sup> to Portsmouth dep<sup>y</sup>  
motion.

In ans<sup>r</sup> to the motion of the deputjes of Portsmouth, the Court judgeth it meete to order, that the bounds betweene Portsmouth & Hampton, as to their townships, be determined & settled, & that Mr Eljas Stileman, John Gilman, of Exiter, & Mr Samuel Dalton attend this service, and make returne of what they shall determine to this Court ; and this Court declares, they shall be willing to grant to Portsmouth land for a village when they shall declare to this Court the place where they desire it.

Cap<sup>t</sup> Clark &  
Cap<sup>t</sup> Daus to  
sue sub forma  
pauperis as to  
Val. Hill, &c.  
Comitte abt  
chancery.

It is ordered, that Cap<sup>t</sup> Thomas Clarke, Cap<sup>t</sup> W<sup>m</sup> Daus shall & hereby are impowered to sue, sub forma pauperis, as administrators to the estate of the late Vallentine Hill in all Courts for three yeares next coming.

Whereas there is a bill passed this Court for the receiving the verdicts of the juryes in the Courts of each county & Courts of Asistants, as in the sajd bill more ffully appeares, & because some cases may require further help then the com<sup>on</sup> lawe by jury can affoord, and this Court being solicitous that righteousness & justice may be duely dispensed vnto all the people of this jurisdiction, & the season of the yeare now calling the members of this Court vnto their particular occasions, so that they cannot well continew longer together at this time to finish a worke of so great concernment, w<sup>ch</sup> ought to be done w<sup>th</sup> so good consideration, this Court doe therefore order & impower the honoured John Leueret, Esq<sup>r</sup>, Dep<sup>t</sup> Go<sup>u</sup>, Thomas Danforth, & W<sup>m</sup> Staughton, Esq<sup>r</sup>s, Cap<sup>t</sup> W<sup>m</sup> Daus, & Mr John Richards a comitte to drawe vp some suiteable order for the ends aboue exprest, & to present the same to the next

session of this Court, and that the Dep<sup>y</sup> Gov<sup>r</sup> to appoint time & place of meeting, and they may send for such to advise as they shall see cause. 1672.

Itt is ordered, that the secretary write a letter to seuerall petitioners to the eastward, & signify to them that the Courts occasions not permitting at present, they resolute at next sitting to consider thereof.

15 May.

Secret<sup>t</sup> to write  
to y<sup>e</sup> eastward

Wee, whose names here vnder written, being ordered by this honored Court, in the yeare 1670, to finde out the pattent lyne from Accord Pond to Bound Brooke, at Connihasset, neere to Martha Garretts house, and see it well and sufficjently marked; accordingly wee attended that service November, in the yeare 1670, and found the l<sup>j</sup>ne stated formerly at Accord Pond & Bound Brooke, by this colony & Pljmouth colony comissioners. Wee runn that l<sup>j</sup>ne, after \*much difficulty, to finde out what point it runne vpon, by reason of badnes of the land to travaile vpon, in regard of the many swamps and thicke beachy land, and wee found the point it runn vpon from a black oake at Accord Pond to the other station at Bound Brooke, where we raysed a heape of stones to be north east & by east, which l<sup>j</sup>ne wee caused to be sufficjently marked, by marking trees, setting the surveyors marke vpon them, and setting vp stakes and casting stones about them, and the extent of the l<sup>j</sup>ne betweene the two stations wee found to be fve mile & forty rods. This returne wee make vnto the honored Generall Court, 1672, as wittnes our hands.

Lyne betweene  
Pljmouth &  
Massachusetts.  
From Accord  
Pond to Bound  
Brooke.

[\*704.]

JOSHUA HUBBARD,  
JOSHUA FISHER.

Pljmouth comissioners, being acquainted w<sup>th</sup> the t<sup>j</sup>me and place to meet all, for the performance of the aboue mentioned service, did not meete for the performance, did not meete w<sup>th</sup> us about the worke, but speaking w<sup>th</sup> one of them in the doing the worke, viz<sup>t</sup>, Cornet Studson, he told vs they should concurr w<sup>th</sup> what wee did, but were not willing to be at charge about it.

JOSHUA HOBART,  
JOSHUA FISHER.

The Court approoves of this returne.

1672. *\*Att the second Sessions of the Generall Court of Elections, held at  
Boston, 8<sup>th</sup> of October, 1672, on their Adjournment.*

8 October.

[\*705.]

PRESENT, Rich Bellingham, Esq̃, Goũ,  
Jn<sup>o</sup> Leueret, Esq̃, Dep<sup>t</sup> Goũ.  
Symon Bradstreet,  
Samuell Symonds,  
Daniel Gookin,  
Daniel Dennison,  
Symon Willard,  
Richard Russell,  
Thomas Danforth, } Esq̃s.  
W<sup>m</sup> Hathorne,  
Eliazer Lusher,  
John Pynchon,  
Edward Tyng,  
W<sup>m</sup> Staughton.

Cap<sup>t</sup> Thō Clarke was chosen Speaker for & by y<sup>e</sup> deputjes assembled this sessions.

ITT is ordered, & by the authority of this Court enacted, that all strangers coming into this country shall & may henceforth haue liberty to sue one another in any Courts of this colony that haue proper cognizance of such cases, and that any inhabitant may be sued by any strangers who are on imēdiate imploy by navigation, marriner, or merchant in any of our Courts, the sajd strangers giving security to the clerke of the writts, to respond all extraordinary damages the sajd inhabitants shall sustejne by being sued out of the county to which he belongs, in case the strainger shall not obtejne judgment against such inhabitant so sued; and the law, title Special Courts, is hereby repealed, & made voyd, any law, custome or vsage to the contrary notw<sup>th</sup>standing.

Itt is ordered, that in the lawe referring to brothell houses, after the words 'to the sea side, going to the gallowes' be incerted 'in Suffolke and all other countjes where the Court of each shire shall appoint, & so returne to the house of correction,' &c.

Whereas it appeares, on pervsall of the returne of the co<sup>m</sup>ittee appointed to auditt the Tresurers account, that there is due to the country, in the hands of Cap<sup>t</sup> John Peirce, in England, one hundred forty & fower pounds ten shil-

lings, w<sup>ch</sup> this Court judgeth it meet to call in, & for that end the Treasurer, w<sup>th</sup> the aforesajd cōmittee, are hereby desired & empowered, by the first opportunity, to send for the fore sajd sūmes for the vse of the country, and whereas there is moneys due to the successors of M<sup>r</sup> John Winthrop, long since deceased, it is therefore ordered by this Court, that the Treasurer forthwith dischardge the sajd debt, and make payment of the same to whom it shall be due, that so the country may be at no further charge refferring therevnto, by paying of interest. •

1672.

8 October.

\*It is ordered by this Court & authority thereof, that in all countys where there is but one magistrate, there any one of the associates for that County Court, joyning with the magistrate, any act by them don shall henceforth be accounted legally valid, and is hereby allowed, to all intents and purposes, as if don by two magistrates; and in those countyes where there is no magistrate, any one invested w<sup>th</sup> magistraticall power, with two associates, haue like power cōmitted to them to act as any two magistrates, as aboue.

[\*706.]

One magistr<sup>t</sup>  
& one associate  
power to act,  
&c.

The Court, being informed that some part of the countrys powder is not so conveniently disposed of as it ought to be, judge meete that some further care be taken thereof, & for that end desire our present honoured Dep<sup>ty</sup> Go<sup>vt</sup>, together w<sup>th</sup> the survjving surveyors, take some speedy course concerning the same.

CoMittēe about  
y<sup>e</sup> countrys  
store of powder.

Whereas peeces of eight are of more value to carry out of the country then they will yeild to mint into our coyne, by reason whereof peeces of eight which might else come to coyning are carryed out of the country, it is therefore ordered by this Court & the authority thereof, that all peeces of eight that are full weight & good siluer, that is, sixe shillings of New England money, of Mexico, sivil & pillar, & so all lesser peeces of each sort, shall passe in this jurisdiction as current as our oune money peeces of eight, at sixe shillings a peece, & all lesser peeces proportionably therevnto, provided that all such peeces that shall passe in this jurisdiction haue a stampe affix<sup>t</sup> vpon them, w<sup>ch</sup> shall be **NE**, to euidence that are of right allay & due weight; & that M<sup>r</sup> John Hull & M<sup>r</sup> Robert Sanderson, or either of them, be the persons for the tryall & stamping of such money, & that thereby fower pence vpon the pound paid for the rest, one fowerth thereof to the officer, & the rest to the country Tresurer.

Peeces of eight  
to pass according  
to weight,  
&c.

Whereas peeces of eight, weighing sixe shillings, are ordered to passe for sixe shillings, & ordered to be stamped, &c, according to the sajd law, referenc thereto being had; and for asmuch as few or no peeces of eight are of that weight, & so the intent of good to the country therein will be disappointed; as an addition to the sajd lawe, be it ordered & enacted by this Court & the authority thereof, that peeces of eight vnder the weight of sixe shil-

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lings shall likewise be passable for so much of New England money as they shall weigh, and that it be impressed vpon the stampe how much each peece doth weigh, in legible figures w<sup>th</sup> the other letters on y<sup>e</sup> same, & of the same alloy.

No rate to issue out y<sup>e</sup> yeare.

The Court, vnderstanding that there is & will be a sufficient supply in the treasury to answer the occasions of the country, arising from incombes due for wines, licquors, peltry, &c, judge meet to order, that no country rate be collected for this present yeare.

20 of November a day of thanksgiuing.

The dealings of God w<sup>th</sup> his people in this wildernes this yeare past must needs be acknowledged to be mixed w<sup>th</sup> mercjes & loving kindnes, as well as afflictions & tjalls. And although in the latter respect it may be thought there is more cause of humilliation then thanksgiving, yett wee hope there are none so vngratefull or forgetfull of Gods benefitts, w<sup>ch</sup> he was pleased graciously to shew in heareing & answering our prajers the last summer, when, by reason of the great drouth, most of the fruits & product of the earth did languish, & were in danger to be consumed; but the Lord sent sweete & moderate showers of rajne, & continued them for such a season that some fruites of the earth that were in a manner vtterly destroyed were in great measure restored even to wonderment. The consideration of this extensiue mercy, together w<sup>th</sup> the Lords gracious continuing of our publick peace, liberty, & the ghospell doth minister just cause vnto this Court to appoint the twentjeth of November next to be kept as a publick day of thanksgiving throughout this jurisdiction, to blesse & prayse the Lord for his mercy; and to this end doe heereby comend it vnto all the churches, pastours, teachers, ministers, & people w<sup>th</sup>in this gouernment, solemnly & seriously to keepe the same accordingly, w<sup>th</sup> due preparation & suiteable affection.

[\*707.]

24 December next day of humilliation.

\*And for asmuch as wee haue warrant & example in the word of God, Nehemiah 8: 1, 10, compared w<sup>th</sup> Nehemiah 9: 1, that although a day of thanksgiving was kept by the people of God vpon the first day of the seventh moneth, yet this hindered not but that on the 24<sup>th</sup> day of the same moneth a day of solemne fasting & pray<sup>r</sup> was kept by the same people for humbling their soules & lying in sackloth before the Lord; and whereas there is great cause of humilliation found amongst vs, not only in respect of the growth & increase of sinn, as ignorance, pride, sensuality, security, worldly mindednes, contention & striffe continued, perpetrated, & fomented in some societys, civil & sacred, vnsubduednes to Gods order in familjes, churches, & comonwealth, w<sup>th</sup> diuers other sinns too numerous here to mention, but likewise in respect of the frounes of God towards many in vnvsuall sicknesses & deseases the latter part of this summer, which still continues in some places, whereby

many pretious & vsefull persons haue been remooved by death ; also the vnseasonable rajnes in the late hay harvest, whereby many haue susteyned considerable damage ; & in speciall wee are bound to haue a fellow feeling of & sympathy with the churches of God in Europe, & in peculjar in our deare native country, at such a tyme wherein the Protestant nations are involved in warr, & wherein our oune nation is greatly concerned, that in all these cases wee may lye in the dust before the Lord, & yet looke vp to him by earnest supplication & prajer, in the name of Christ, for mercy, as the matter doeth require ; — these things considered, this Court doeth finde just cause to sett apart & appoint the 24th day of December next to be kept through all this jurisdiction as a day of solemne humilljation & prayer, and doe comēd it to all the churches, pastours, teachers, ministers, & people w<sup>th</sup>in this govern<sup>nt</sup>, w<sup>th</sup> due preparation & affection to keepe y<sup>e</sup> same accordingly.

The Court, hauing duely considered of the motion in reference to allowance to be given to the maintenance of a præident at the colledge, & the settlement of what may give due encouragement to that worke, doe judge meet & order, that there be allowed one hundred & fifty pounds p<sup>r</sup> añum, to be pajd in money by the country Treasurer out of such revenues as are payd in money into the treasury, provided Doctor Hoare be the man for a supply of that place, nowe vacant, & that he accept thereof, and that when this order of one hundred & fifty pounds p<sup>r</sup> añu takes place, the former order of one hundred a yeare settled vpon the præident, in the printed law, be made voyd, & that this allowance be continued vntill the Generall Court or ouerseers shall finde some other way for the making it good, and that the annuall allowanc be payd quarterly.

Whereas, by the good hand of God, there hath bin erected & continued a colledge in Cambridge, in the county of Midlesex, called by the name of Harvard Colledge, and that, by an instrument or charter, dated the 31<sup>th</sup> of May, in the yeare 1650, the præident & ffellows thereof were established to be one body corporate by the authority of this Court ; and wheareas seuerall gifts & donations haue bin made, & are still making, by many well devoted persons, inhabitants of this country, as also strangers, for the maintenance of the governours & government thereof, and for all the accomodations of the schollars thereof in books, buildings, lectures, schollarships, and all other necessary & fitting proovissions that may conduce to the education of English & Indian youths there residing in all good litterature & godlynes ; now, for the perpettuation & further advancement of so good a worke, and for the better incouragement of all persons therein concerned, or to be concern'd, itt is ordered & enacted by this Court & the authority thereof, that Leonard Hoare,

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150<sup>th</sup> p<sup>r</sup> anum  
allowed to y<sup>e</sup>  
president of  
Harvard Col-  
ledge.

Harvard Col-  
ledg charter.  
Præsid<sup>t</sup> & ffel-  
low & tr. one  
body corporat.

Leonard  
Hoare, Dr in  
phisick, p<sup>r</sup>sent  
præsident.

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[\*708.]

Presid<sup>t</sup> & fellows medjat goūn<sup>r</sup> of said colledge, & shall haue perpetuall succession.

Their power to place & displace any in case, &c.

Their power to purchase lands, & to w<sup>t</sup> value, as to receive gifts, &c.

Præsident to haue a casting voyce.

They may sue, implead, & be sued & impleaded, in any of our Courts, &c.

Their power to scone & fine, &c.

doctor in phisicke, be the present præident of said Harvard Colledge, M<sup>r</sup> Samuëll Danforth, fellow of the said colledge, M<sup>r</sup> Vrijan Oakes, pastor of the church of Cambridge, \*M<sup>r</sup> Thomas Shephard, teacher of the church of Charls Toune, M<sup>r</sup> Joseph Broune, & M<sup>r</sup> John Richardson, masters of art, be the fellowes, & M<sup>r</sup> John Richards the tresurer of the said colledge & corporation for the tyme being; and that the præident, fellowes, & tresurer of the said colledge, or the fellows alone when there is no præident established, & their successo<sup>r</sup>s, from tyme to tyme, be the imēdiate governo<sup>r</sup>s thereof, and shall, in name & fact, for euer hereafter, be one body polittick & corporate in lawe, to all intents & purposes, & shall haue perpetuall succession, hauing power & authority, by these presents, procuring a meeting of the ouerseers, & by their counsell & consent, to elect successours into the place of any one or more of them which shall be (by death or remooval) made vacant. Bee it also heereby authorized & enacted, that the said corporation, & their successors, shall haue the power of constituting, and againe, at their pleasure, remooving, all inferiour officers to the said society apperteyning, & all the next & intermediate gouernm<sup>t</sup> of euery member of the said society, according to such orders & lawes, as are or shallbe established by the said corporation, the ouerseers of the said colledge allowing, or not contradicting, the said lawes vpon notice of them given to them at their next meeting; and also, the said corporation, & their successors, may purchase & acquire to themselues, or take & receive, vpon free gift, any lands, tennements, hæreditaments, annuities, services, goods, moneys, or other emoluments whatsoever, or from whomsoever, and (observing streightly the will of the dono<sup>r</sup>s) dispose of the same to the vse & behooffe of the said colledge, or any members thereof; and that the præident may warne a generall meeting of the said corporation for debating any of the affaires afforesaid.

In all which cases the conclusion shall be made by the major part present, the præident hauing a casting voyce; and that the said corporation, w<sup>th</sup> their distinct tresurer, (if any such be chosen,) by the name of the præident, fellowes, & tresurer of Harvard Colledge, may sue & plead, or be sued or impleaded, in all Courts and places of judicature w<sup>th</sup>in this jurisdiction of the Massachusetts colony, to all intents & purposes, in law and w<sup>th</sup> effect, as may any private person or body incorporate, only the estate to the corporation belonging, & not that which belongs proper to any member of the said corporation, being liable to such impladments; also, that the said corporation, or any three of them, the præident being one, in all crimes by the lawes of this country punishable by one magistrate, shall haue the ffull power of sconsing, fineing, or otherwise correcting all inferiour officers or members to the said society belonging, as the lawes of the country provide in such cases, or the lawes of the

colledge not repugnant vnto them ; and for that end any of the sajd corporation shall and heereby haue power personally, w<sup>th</sup> such ayde of the society as they shall thinke meete, taking the constable along w<sup>th</sup> them, to enter into any houses licenced for publicke enterteynment where they shall be informed, or may be suspitious, of any enormitjes to be plotting or acting by any members of their society ; and all constables, & all other inferiour civil officers in that place, are heereby authorised & comāded to be readily ayding & asisting to them, or any of them, in the premisses ; neither shall any person or persons legally expelled the colledge abide aboue ten dayes in the touneship of Cambridge, vnless their parents liue in the sajd touneship.

And be it also ordered & enacted by this Court & the authority thereof, that all the lands, tennements, hereditaments, or annitjes w<sup>th</sup>in this jurisdiction to the sajd corporation apperteyning, not exceeding the value of fiue hundred pounds p<sup>a</sup>ñum, shall be henceforth freed from all ordinary civil impositions, taxes, & rates ; and all goods to the sajd corporation, or to any schollars thereof, apperteyning, shallbe exempt from all manner of toll, customes, & excise whatsoeuer, except in cases of warr or extraordinary exigences of the country.

\*And moreouer, that the sajd præsidēt, ffellowes, & schollars, together w<sup>th</sup> their mæniāll seruants & other necessary officers, (not exceeding the number of ten,) shall be vtterly exempted from all personall & ciuill offices, military excercises, watchings, & wardings, or the like publick services ; and the personall estates of the sajd corporation & their officers (not exceeding one hundred pounds a man) shallbe also freed from the like country taxes foreuer. All & euery of which premises wee doe ordeyne & enact to be fully established for lawe, any law, grant, or vsage to the contrary in any wise notw<sup>th</sup>standing.

In ans<sup>r</sup> to a proposall made by D<sup>r</sup> Hoare, præsid<sup>t</sup> of the colledge, for the better repaire necessary to be donne to his lodging, by addition of a kitchen, &c, & making of fences for orchards & gardens, meet for such a place & society, it is by this Court comitted to the care & prudence of the sajd doctor to effect what yet is necessary to be donn therein ; and the sajd doctor is ordered to take of the moneys now to be brought in for the reädifying the buildings of the sajd colledge, and to take of such materialls as shallbe brought to the place, not exceeding three hundred pounds, taking the specie as it will arise in proportion one w<sup>th</sup> another by the order of the comitteē appointed to see the worke carried an end.

In answer to the petition of John Wampas alias White, Pyam Buckow, and Anthony Tra, Indjans, the Court judgeth it meet to order, and doe hereby apoint Cap<sup>t</sup> Daniel Gookin, Leiftennant Willjam Clarke, & Leff<sup>t</sup> Samuel

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Their power to search after offenders.

Constables & other ciuill officers to ayd & assist them.

No schollar expelled to abide aboue 10 days in Camb., except.

All their lands, annutys, &c, to value of 500<sup>l</sup> p<sup>a</sup>ñum exempt from all tolls, customs, & excise, except in cases of warr.

[\*709.]

Præsidēt, ffellowes, & y<sup>r</sup> mæniāll seruants, not exceeding 10, exempt from ciuill offices, military excerc, watchings, &c, & y<sup>r</sup> personall estates, not exceed 100<sup>l</sup> a man, freed from country taxes.

98 mo.

Answer to Jn<sup>e</sup> Wampas & Pyam Buckow petition.

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Smith a comittee to make inquiry into the true state of the matter conteyned therein, & what hath bin improoved either by English or Indians, w<sup>th</sup> the contents thereof, (the petiōners being at the charge of the comittee,) making their returne of what they finde to the next Generall Court.

11: Ans<sup>r</sup> to  
Beverly mo-  
tion.

In ans<sup>r</sup> to the motion of Cap<sup>t</sup> Thomas Lawthrop, deputy for Beverly, & in their behalf, the Court judgeth it meet to remit that their rate as they desire.

Left Peeter  
Coffyns acco<sup>t</sup>  
audited.

Wee, the subscribers, being appointed by the hono<sup>d</sup> Generall Court, May 15<sup>th</sup>, 1672, to examine & state Leiftenñt Peeter Coffyns account relating to the masts contracted for w<sup>th</sup> him, anno 1666, by a comittee appointed for that end, which masts were sent a present to his majesty anno 1668, having examined the same, doe finde one hundred pounds due to him from the country, besides his oune care & paynes in procuring the sajd masts, which he leaving to the pleasure of the Generall Court, wee doe present to consideration the allowing him two hundred acres of vpland, and about thirty or forty acres of meadow, where he can finde it not yet layd out, which wee suppose he may well deserue, & will be no less satisfying to him. Dated in Charls Tounē, June 11<sup>th</sup>, 1672.

100<sup>li</sup> due to  
him to be p<sup>d</sup>  
him.

230 or 40 acc<sup>ts</sup>  
of vpland &  
meadow gr<sup>ted</sup>  
him.

JOHN LEUERET,  
RICHARD RUSSELL,  
LAWRENC HAMOND.

The Court approoves of this returne, and orders the Tresurer of the country to make him, the sajd Peter Coffyn, satisfaction accordingly, and the land desired is granted vnto him.

Ans. to Fox-  
well & Com-  
ings petiōn.

In ans<sup>r</sup> to the petition of Richard Collecot, in behalfe of Richard Foxwell and Richard Comings, the Court judgeth it meete to referr the petiōners to a tryall at the next County Court in Yorkshire.

Ans<sup>r</sup> to Thom-  
as Bratle, &c,  
petiōn.

In ans<sup>r</sup> to the petiōn of Thomas Bratle, Thomas Shepheard, Richard Wharton, & Samuel Broadstreet, humbly desiring that the former order of this Court in the yeare 1656, in relation to Thomas Coytmores <sup>^</sup> might be revised, the Court judgeth it not meet to grant their request.

Mr Days land  
confirmed to  
M<sup>r</sup> Boardman.

By virtue of a grant of the honored Generall Court, there is lajd out for W<sup>m</sup> Boardman, of Cambridg, one hundred & seventy acres of vpland & meadow, and is scittuate about seven miles northward from Lancaster, & neere to a place by the Indians called Mashapauge, & is bounded vpon all sides by

free land, the lynes being extant by marked trees. At A is a smale pine, nere to the brooke; at B is a white oake, and at C a white oake; at D a maple, & at E a spruce tree; from A towards E the brooke is y<sup>e</sup> bounds, till a streight lne from A to E crosse the brooke, & then it runs in the side of the meadow to the spruce tree at E; the corner trees and some others in the lynes are marked w<sup>th</sup> the letter B.

1672.

11 October.

By JOHN FLYNT.

The Court allowes of this returne.

\*In the case now depending betweene John Willjams, plaintiffe, against Theoder Atkinson, Señ, defendt, in an action of revejw at a Court of Asistants held at Boston September 5<sup>th</sup>, 1671, coming to this Courts cognizance, by disagreement of bench & jury at the sajd Court, the Court, on a full hearing of the case, with what was alleadged by both partyes, & pervsall of the evidences produced in the case, doe finde for the plaintiffe all that was taken away from him, by virtue of a judgment of Court, of two hundred & seventeen pounds sixteen shillings & three pence by the sajd Atkinson, defendant, or in defect thereof the full some of three hundred & fifty pounds in money, & costs of Courts tenn pounds eleven shillings & fower pence.

[\*710.]

Courts judgment in M<sup>r</sup> W<sup>ms</sup> case ag<sup>t</sup> Atkinson.

M<sup>r</sup> George Munjoy presenting a bill of costs, by him expended by order of Cap<sup>t</sup> Thomas Clarke, by order of the Generall Court, in May last, amounting to the sume of sixe pounds tenne shillings, the Court accepts & allowes thereof, & orders the Tresurer to make payment thereof, and for what is due to M<sup>r</sup> Munjoy, that it be deferrd till the worke be finisht, according to the order in May Court.

6<sup>th</sup> 10<sup>s</sup> costs lajd out for laying out the lne at y<sup>e</sup> eastward allowed to M<sup>r</sup> Munjoy.

In the case now depending betweene Peter Lidget, of Boston, merchant, & attorney vnto Thomas Bullocke, gen<sup>t</sup>, & Mary, his wife, both of Shipham, in the county of Norfolke, in England, & Peter Golding, of Boston, aforesajd, sub attorney to the sajd Lidget in the case, plaintiffs, & John Cheeckley, of Boston, cooper, defendt, coming to this Courts cognizance by disagreement of bench & jury at the Court of Asistants in September, 1671, the Court, on a hearing of the case, & pervsall of the evidences therein, doe finde for the plaintiff eighty five pounds eighteene shillings & sixe penc, in lawfull money of England, or in defect thereof to pay one hundred pounds in New England siluer, & costs of Courts fower pounds sixteene shillings & sixpenc, and that the sajd attorney, vpon receite thereof, give in sufficient security to the defendt, that in case he, the sajd defendant, can or shall at any time w<sup>th</sup>in two yeares next after the date hereof, proove the payment of the aforesajd sume, or any part thereof, that then he shall make repayment of what shall so appeare to be paid, w<sup>th</sup> all just damages.

Judgm<sup>t</sup> in Lidgets case ag<sup>t</sup> Checkly.

1672.

11 October.  
Order to re-  
quite y<sup>e</sup> fellow<sup>s</sup>  
of Harvrd  
Colledg, M<sup>r</sup>  
Chancys sons,  
& M<sup>r</sup> Oakes,  
&c, out of y<sup>e</sup>  
100<sup>th</sup> p<sup>r</sup> anum.

The Court, considering of the motion made by the ourseers of the colledg, for the grattefying M<sup>r</sup> Alexander Nowells excecuto<sup>r</sup>s, & the fellowes of the colledg, & others, since the death of the præsident, for theire extraordinary paynes, doe order, that the hundred pounds p<sup>r</sup> añum payd formerly to M<sup>r</sup> Chancy be continued & payd to the colledge till the hundred & fifty pounds p<sup>r</sup> añum granted to D<sup>r</sup> Hoare, as præsident, vpon his acceptance thereof, shall take place and beginn; the sajd hundred pounds p<sup>r</sup> añum to be disposed off according to the discretion of the ouerseers of the colledg for M<sup>r</sup> Chancjes sons, & the motions aforesajd w<sup>th</sup> consideration of M<sup>r</sup> Oakes, his paynes, as they shall see meete.

Susanna Martyns liberty to reveju hir action at Salisbury Court.

In ans<sup>r</sup> to the humble petiçõn of Susanna Martyn, the Court judgeth it meete to grant hir hir request, viz<sup>t</sup>, liberty to reveju hir former action, & sue at Salisbury Court sub forma pauperis.

Ans<sup>r</sup> to Joseph Braddish petiçõn, y<sup>e</sup> lands to be sold according to former order.

In ans<sup>r</sup> to the petition of Joseph Braddish, in behalfe of his sisters & brother, as well as himself, the Court, by their co<sup>m</sup>ittee, having heard & considered what the petiçõner cann say in refferanc to the contents of the petition, (those gen<sup>tn</sup> who were betrusted in behalfe of the widdow being present,) doe judge that all due respects ought to be had to the will of the deceased, who seemes to haue a tender respect to the mother & children, one as well as the other, yet preferring, as duty bindeth, the mothers necessary supply before the children, therfore the widdow having to hir oune vse the whole estate of mooveables, if not already spent, doe order, that the remainder, in houses & lands, (the annual rent not being considerable for hir maintenance,) that sale thereof be made, according to the former order of the Court, by the gen<sup>tn</sup> therein betrusted w<sup>th</sup> the mannagement thereof, & that the one halfe of the price of the whole be disposed to the releife of the widdow, & the remainder to be divided among the children, according to their fathers will.

[\*711.]

Mr Oxenbridge liberty to print his sermon in case.

\*The Deputjes in Generall Court having formerly voted the printing of the Reuerend M<sup>r</sup> Jn<sup>o</sup> Oxenbridge his sermon preached for<sup>m</sup>irly on the day of election, vpon the earnest desire of divers members of the Court, as well as others, which being by many renewed in their desires thereof, it is by this Court ordered, he haue liberty, if he see cause, for the same accordingly.

Sept. 20, 1672.  
Setlement of Hatfeild bounds.

The Generall Court, May 15, 1672, vpon the petition of the toune of Hatfeild, in Hampshire, for the settlement of theire bounds granted by the Generall Court, and being to be, by the grant of the sajd Court, sixe miles (from Northampton north l<sup>j</sup>ne) northerly, and the sajd bounds being obstructed as to the extent of the sajd grant, by the l<sup>j</sup>ne runn by the proprieto<sup>r</sup>s of

Pacomtucke, neare one mile and three quarters of a mile, the Court aforesajd haue ordered the persons subscribed as a comittee to regulate and settle the affaires aforesajd, and to make theire returne to this Court. The sajd comittee, being vpon the place, haue ordered, that Hatfeild bounds northerly shall extend to a litle brooke comonly called, by the English, Sugar Loafe Brooke, at the comon place of passage ouer, where there is two trees marked, a litle white oake on the west side of the way, and a great white oake on the east side of the sajd way; and so to runne by the sajd line east to the Great Riuer, and on a west ljne from the sajd riuer two miles into the woods.

Also, the sajd comittee haue determined that the proprieto's of Pacomtuck, for and in consideration of the land taken out of their measure to accomodate Hatfeild, they shall receive it as followeth, viz<sup>t</sup>: on the north side of Pocomtuck Riuer, from the mouth of the ryver called Greene Riuer, a ljne to rune due east one mile, and west one mile, and north three quarters of a mile, the whole tract of land to be two miles in length & three quarters of a mile in breadth, and for the remajnder to beginn at Pacomtuck Riuer, at the end of their proprietjes, and to rune on an east ljne to the Great Riuer, and to extend on a south ljne two miles.

PETER TILTON,  
WILLJAM CLARKE,  
SAM: SMITH.

The Court approoues of this returne.

In ans<sup>r</sup> to the petition of John Bonner, the Court judgeth it meete to grant the petitioner a revejw of his case at the next County Court to be held at Boston.

Ans<sup>r</sup> to Bon-  
ners petition.

In ans<sup>r</sup> to the motion of the deputjes of Wooborne, the Court judgeth it meete to grant their desires therein exprest, and that the comittee aforesajd, according to the trust comitted to them formerly, proceed to finish the worke, and declare what proportion each toune concernd is to allow for & towards the reparation & maynteyning thereof, which is to be attended accordingly.

Ans<sup>r</sup> to y<sup>e</sup> dep<sup>t</sup>  
of Wooborns  
motion ab<sup>t</sup> Mis-  
tick bridge.

In ans<sup>r</sup> to the petition of Roger Clap, captaine of the Castle, the Court judgeth it meet to grant the petitioner forty pounds for this yeare in money, & so for tjme to come, as part of the sallery to the sajd captaine, allowed by this Court for himself, gunner, & souldjers service.

Cap<sup>t</sup> Clap<sup>r</sup> al-  
low<sup>d</sup> 40<sup>li</sup> p<sup>r</sup> ann.  
in money.

This Court hauing, the 11<sup>th</sup> of May, 1670, ordered Cap<sup>t</sup> Joshua Hubbard & Leiftennant Joshua Fisher to perfect the ljne betweene Pljmouth & ourselues, neere Hingham, and expending abooue fower days time in the sajd service, for w<sup>ch</sup> they haue had no sattisfaction, it is ordered, that the artist for

Forty shillings  
allowed Joshua  
Fisher for run-  
n<sup>g</sup> y<sup>e</sup> ljne.

1672.

11 October

1672.

11 October.  
Cap<sup>t</sup> Foster  
added to y<sup>e</sup>  
co<sup>m</sup>mittee to  
keepe y<sup>e</sup> pat-  
tent instead of  
Cap<sup>t</sup> Johnson.

[\*712.]

Squakeake on  
Connecticot  
Riuer a new  
plantation 6  
miles square.

A farme of 300  
acres.

performing the same, being for the children of the said Joshua Fisher, deceased, shall haue forty shillings paid by the Tresurer.

This Court formerly thought meete to appoint Cap<sup>t</sup> Edward Johnson, together w<sup>th</sup> other gen<sup>tn</sup>, to take care for the disposing of the charter of this colony. The captaine being dead, it is ordered, that Cap<sup>t</sup> Foster be added to the survivo<sup>rs</sup> in steed of the deceased.

\*Whereas seuerall persons from North Hampton & other places haue presented their names to Major John Pynchon, according to an order of this Court dated May 15<sup>th</sup>, 1672, the 1<sup>st</sup> whereof he hath returned to this Court, & is on file, whereby they ingage themselues to settle a village at Squakeake, vpon Connecticot Riuer, aboue Hadley, according to proviso<sup>rs</sup> & conditions expressed in the said order, this Court, considering the premisses, doth grant vnto the said persons, & such others as shall joyne w<sup>th</sup> them in making the said village, such a tract of land in the said place as shall amount to the contents of sixe miles square, provided it be not lajd out aboue eight miles in length by the riuer side, and doe appoint & impower Lef<sup>t</sup> W<sup>m</sup> Clarke, Willjam Holton, Lef<sup>t</sup> Samuells Smith, Cornet Willjam Allyes, & Isack Graues, or any three of them, to be a co<sup>m</sup>mittee for to lay out the said plantation, and to lay out a farme of three hundred acres of vpland & meadow in some convenient place there neere the toune for the vse of the country, to admitt inhabitants, to grant lotts, & order all the prudentiall affaires of the said village, & all at the charge of the said vndertakers, and to take speciall care that a godly preacher be placed there as soone as there is twenty ffamiljes settled; and this power of this co<sup>m</sup>mittee is to continew vntill this Court take further order.

At this Court, M<sup>r</sup> Edward Collings, attorney to & for D<sup>r</sup> Benjamin Whichcot & Rebeckah, his wife, excecatrix to the last will & testament of the late Mathew Cradocke, of London, merchant, came, and, according to the order of the Generall Court, dated 11<sup>th</sup> of October, 1670, not only made returne of the laying out of the thousand acres of land then granted to the said D<sup>r</sup> Whitchcott & Rebeckah, his wife, but also presented a dischardge in writting, vnder the hand & seale of the said D<sup>r</sup> Benjamin Whitchcot & Rebeckah, his wife, to the Go<sup>u</sup>no<sup>r</sup>, Dep<sup>t</sup> Gouverno<sup>r</sup>, &c, and is here vnder recorded w<sup>th</sup> the Courts approbation of the land layd out.

Mr Edw. Col-  
lins returne of  
D<sup>r</sup> Whitchcotts  
& Rebeckah  
his wife release  
& dischardg to  
Gou. & Dep<sup>t</sup>  
Gou., &c.

Know all men by these presents, that wee, Benjamin Whitchcott, of London, doctor in divinitje, and Rebeckah, my present wife, excecatrix of the last will and testament of Mathew Craddock, hir first husband, late of London, merchant, deceased, for good and valluable considerations, vs herevnto

mooving, haue remised, released, and quitt claymed, and by these presents for vs, our heires, execcutors, administrators, and assignes, and euery of us, doe remise, release, and for euer quitt clajme vnto the Goũno<sup>r</sup>, Deputy Goũno<sup>r</sup>, the seuerall magistrates and gouernment of the colony of the Mackachusetts in New England, of and from all clajmes, demands, and pretentions whatsoever, especially referring to the contents of a petition deliuered the sajd Court on their behalfe, by Edward Collins, vpon which an order was granted in their favour by the sajd Court, the eleventh day of October, 1670. In wittnes whereof, wee, the sajd Benjamin Whitchcott and Rebeckah his wife, haue here-vnto set our hands & seales this fueteenth day of July, anno Dom̃ 1671, and in the three & twentjeth yeare of the reigne of our soueraigne lord, King Charles the Seccond, &c.

1672.

11 October.

BENJA: WHITCHCOTT, &amp; a seale.

Signed, sealed, &amp; deliuered

REBECKAH WHITCHCOTT, &amp; a seale.

in the presence of us,

Richard Martyn,

Thomas Clearke,

Ab̃r Jesson,

Mathew Cradocke.

Quod attesto<sup>r</sup> rogatus.J. WRIGHT, No<sup>t</sup> Pub<sup>cus</sup>.

Grd: 15: 1: a: 1671.

13 6 <sup>m</sup>, 1672.

\*Layd out to Benjamin Whitchcott, d<sup>r</sup> of divinity, (by virtue of a grant of the hon<sup>ble</sup> Generall Court,) bearing date the 11<sup>th</sup> of October, 1670, one thousand acres of land in the wildernes, lying vpon a branch of Piscataqua Riuer, called Newitchawanack, at some distance aboue the head of Douer Bounds, lying wholly on the west side of the sajd riuer, begining at a place called the Round Meadowes, there being an island of vpland & narrow skirts of meadow runing round about it, and so goeth vp the riuer fower hundred & sixteene pole vpon a streight lñe vnto a basse wood tree, standing in a valley neere the riuer below a steep hill; and from thence it runns west south west fower hundred and eighty pole, vnto a pine tree standing in a great pine swamp; from thence it runns south and by east three hundred and twenty pole, vnto an oake standing in a pine plajne; from thenc it runns east & by north, one degree northerly, fower hundred pole, vnto the riuer, which is the closing lñe, taking in a smale quantity of meadow lying w<sup>th</sup>out this streight

[\*713.]

Dr Whitchcotts  
farme lajd out.

1672. ljne, to the value of two or three acres, joyning to the rest of the meadowes.  
 The ljnes were all runne, the trees well bounded, the corner trees marked w<sup>th</sup>  
 11 October. B. The exact forme thereof may appeare by a plott taken of the same, 13, 6 m,  
 1672, by

JONATHAN DANFORTH, Surveyor.

Allowed 8 Oc-  
 tober, 1672.

The Court doe allow & approve of this returne of the ffarme lajd in  
 this plott, w<sup>ch</sup> is one file.

Ans<sup>r</sup> to M<sup>r</sup>  
 Lynds & others  
 petiçon.

In ans<sup>r</sup> to the petition of seuerall proprietors of land in the Pecquod  
 country, the Court judgeth it meet to grant their desires, and orders the secre-  
 tary by the first oppertunity to write letters to the Generall Court of Connec-  
 ticott in the name of this Court, w<sup>ch</sup> letter, passed by the Court, is as fol-  
 loweth :—

Courts letter  
 to Conecticott  
 in behalfe of  
 M<sup>r</sup> Lynde &  
 others.

Much honoured Gen<sup>tn</sup> :

Yow may please to remember that one part of the Pecquot country, on  
 the east of Mistick River, was, by order of the cõmissioners of the Vnited  
 Colonjes, setled vnder our jurisdiction, (as the other part, to the westward, was  
 to the colony of Conecticott,) as may appeare by the reccords. In pursuance  
 whereof, our Court, for divers yeares, tooke care of & order for the gouernment  
 of Southerton, and made grants of seuerall tracts of vacant lands in those parts  
 to the colledge, & to particular persons, some of which haue been possessed &  
 emprooved by the proprietors, vnder the protection of our government, and  
 continued vndisturbed till yourselues, having procured a patent, (which wee  
 hoped, and had some assurance should not prejudice our rights,) made your  
 clajme to the jurisdiction of those parts w<sup>th</sup> so much pressure, and at such  
 a season, that it was judged by vs more dangerous to the cõmon cause of  
 New England to oppose then, by our forbearance and yeilding, to endeavour  
 to prevent a mischeife to us both, neuer doubting but you would finde your-  
 selues obliged to majnteyne & defend all the grants made by us to the pro-  
 prietors & their assignes, and that they should receive from you the same en-  
 couragement and protection that they might haue expected from us had they  
 continued vnder our jurisdiction, (whereof for the reason aboue sajd wee were  
 not ambitious,) but being contrary to our expectation, now informed by the  
 proprietors that they are, & haue binn injured in their possessions & rights,  
 and also requested by them to intercede w<sup>th</sup> yourselues, who now haue the  
 jurisdiction & gouernment, that their grants may remajne firme, and them-  
 selues defended in their rights, wee could not deny their most just & æquita-

ble petitions, the honor of this colony being also concerned therein, but doe comend the same to yo<sup>r</sup> wise considerations, not doubting but yo<sup>r</sup> justice and candor will oblige yow to take effectuall care & order therein, w<sup>ch</sup> willbe very acceptable to

Yo<sup>r</sup> loving ffreinds & confederates,

EDWARD RAWSON, Secretary.

By order of the Generall Court.

The Court approoves of this letter to be sent to Connecticott.

\*Aprill 7, 1659.

1672.

11 October.

In obedjence to the order of the Generall Court to the now inhabitants of Lancaster, lajd out the bounds of Lancaster according to the sajd grants. Wee began at the wading place of Nashaway Riuer, and runne a ljne three miles vpon a west northwest point, one degree westerly ; and from the end of the three miles wee runne two perpendiccular ljne, being five mile in length each ljne, the one ljne runing north north east, one degree northerly, the other line runing south southwest, one degree southerly ; wee made eight angles, at the end of the tenn miles line runing two perpendiccular lines, runing both of them vpon an east southeast pojnt, one degree easterly ; one of the sajd ljnes, being the north ljne, wee did runne at eight miles in length ; the other, being the south ljne, wee did runne it sixe miles and a halfe in length, and there meeting w<sup>th</sup> the midle of the ljne, which is the ljne of the plantation granted to the petitioners of Sudbury, whose plantation is called Whipsufferage, and so runing their ljne fower mile, wanting threescore perches, to the end of their ljne, at the northwest angle of Whipsufferage plantation ;

And from the sajd angle of Whipsufferagē plantation runing six miles and three quarters, there meeting w<sup>th</sup> the aforesajd east end of the eight mile ljne, and to period all the sajd ljnes and bounds of Lancaster, w<sup>ch</sup> sajd grant runns eighty square miles of land.

This by me, THOMAS NOYES.

The Court approoves of this returne, provided that a farme of a mile square, or sixe hundred & forty acres, be lajd out by Major Willard, Ralph Haughton, & John Prescot, w<sup>th</sup>in this bound, for the countrys vse, in such place as is not already appropriated to any.

In ans<sup>r</sup> to the petition of the farmers of Salem, Richard Hutchinson, Thomas Fuller, &c, the Court judgeth it meete that all persons ljving w<sup>th</sup>in

Lancaster bounds.

A farme of 640 acres to be lajd out for y<sup>e</sup> countrys vse w<sup>th</sup>in y<sup>e</sup> bounds.

Aus<sup>r</sup> to farmers of Salem, Rich. Hutchinson & Tho. Fuller, &c, for majntenanc of y<sup>e</sup> ministry & a village.

1672.

11 October.

the tract of land mentioned in the townes grant to the petitioners, together w<sup>th</sup> all lands & estates lying w<sup>th</sup>in the said bounds, shall contribute to all charges referring to the maintenance of a ministry, or erecting of a meeting house there, and that they shall have liberty to nominate & appoint persons amongst themselves or town of Salem, not exceeding the number of five, who are hereby empowered, from time to time, for the making & gathering of all rates & levies for the ends above exprest, & that in case of refusall or non payment of the same by any person or persons amongst them, that then the constables of Salem shall & hereby are empowered to make distresse vpon the goods of any that shall so neglect or refuse to afford their help in that case, & the same to deliuer to the persons aforesaid, to be improved accordingly, & that when a ministry shall be so settled amongst them, they shall be freed from contributing to the maintenance of the ministry of Salem.

Cap<sup>t</sup> Waldernes  
land, 1200 ac<sup>s</sup>,  
laid out, in  
case, &c.

Laid out to Cap<sup>t</sup> Richard Walderne, for the vse of Cap<sup>t</sup> Thomas Lake & partners, by virtue of an order of the Generall Court, held at Boston, the 31<sup>th</sup> day of May, 1671, one thousand two hundred & eighty acres of land on the southwest side of the Riuer of Newitchawanacke, & about a mile above the head l<sup>j</sup>ne of the towneship of Douer, as followeth, viz<sup>t</sup>: begining at a certaine elbow of the said riuer knoune by the name of the Great Eddy, neare to a point of land called Goljabs Neck; & from the said Great Eddy six hundred & forty rods west & by south in the length of the said land; and from the said Great Eddy three hundred rodde north and by west for the breadth of it. Aprill 26, 1672.

P me, JOHN WINCOLL. Y<sup>e</sup> plott on file.

The Court allowes of this returne as a p<sup>t</sup> of the fower or five thousand acres granted them by this Court, provided this grant intrench not in the least on the land confirmed by this Court to D<sup>r</sup> Benjamin Whitchcott, or his successo<sup>r</sup>s, & that this land be liable to pay country rates as other townes.

[\*715.]

Portsmouth  
grant for a vil-  
lage on condi-  
tions.

16 8 mo.

\*Whereas this Court granted to the inhabitants of Portsmouth land for a village the last session, & having now brought in a platt of a tract of land above Douer bounds, the said land so laid out is hereby confirmed to the inhabitants of Portsmouth, provided a farme of three hundred acres of vpland & meadow be laid out in some convenient place for the vse of the country by Ensigne DAVIS, of Douer, & M<sup>r</sup> Wincoll, as also that the said plat entrench not on any former grants laid out, and that the said land be improved for a

village in five yeares, w<sup>th</sup> twenty families, such as shall mainteyne an able & approved ministry, and that this land & village be l<sup>j</sup>able to country rates as other townes in this colony are. Y<sup>e</sup> plat is on file.

1672.

16 October.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Edward & John Jackson, in behalfe of themselves & others on the south side of Charls Riuer, the Court judgeth it meete that Cambridge, together w<sup>th</sup> the petitioners, appeare before the Court the last day of y<sup>e</sup> weeke, in the morning, at nine of the clocke, to give in their reasons on either side referring to the contents hereof, & that Cambridge deputjes give due notice to such as are concerned to attend the same. The partjes appeared before the whole Court at the t<sup>j</sup>me, and the Court ordered the case to be heard on the first Tuesday after the next election day, at nine of the clocke, & all partjes concernd take notice thereof & appeare accordingly, vnless they agree in the meantime.

18.  
Ans<sup>r</sup> to Cambridge villag petition.  
Y<sup>e</sup> case to be heard on y<sup>e</sup> 3<sup>d</sup> day of y<sup>e</sup> week aft<sup>r</sup> y<sup>e</sup> next election.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of John Turner, humbly desiring the favo<sup>r</sup> of this Court to grant him a parcell of land to joyne to w<sup>t</sup> he purchast adjoyning to Groaten bounds, &c, the Court judgeth it meete to grant the peti<sup>ti</sup>oner one hundred & fifty acres of vpland in the place mentioned as desired.

18.  
Ans<sup>r</sup> to Jn<sup>o</sup> Turners peti<sup>ti</sup>on, 150 ac<sup>s</sup> presented to him.

In ans<sup>r</sup> to the motion of Majo<sup>r</sup> W<sup>m</sup> Hawthorne, that whereas this Court, in May, 1661, granted him five hundred acres of land seuerall yeares since, & not yet lajd out, that he may haue liberty to lay it out a mile square at or about Penecooke, the Court judgeth it meet to grant his request, provided it hinder not a towneship as is exprest in the grant, and that it interfere not w<sup>th</sup> any former grants.

Ans<sup>r</sup> to Major Hawthorns peti<sup>ti</sup>on.

Whereas it appeares that Majo<sup>r</sup> John Pynchon, in the yeare 1667, in compliance w<sup>th</sup> an order from the Gouverno<sup>r</sup>, Dep<sup>t</sup> Go<sup>v</sup>nr, & sundry magistrates, w<sup>ch</sup> was printed August the 9<sup>th</sup>, 1667, & comended to the seuerall inhabitants of this colony, did, amongst others, not only by his oune voluntary contribution expresse his sence of the then present distressed condition of his maj<sup>ties</sup> fleet in his plantations in the Caribby Islands, but for the more speedy accomodating of that affaire, did put on board sixteen barrells of pork, in not only expectation of being paid, but taking for that end the countrys receite for his repayment, notw<sup>th</sup>standing this Courts order, that their com<sup>i</sup>tee should take care & bring in an account of the seuerall townes contributions that were paid in, or left vn<sup>p</sup>aid, which not being don, this Court therefore judgeth it meet to order, that Cap<sup>t</sup> Thomas Savage & Cap<sup>t</sup> John Hull for Suffolke, M<sup>r</sup> Henry Bartholmew & M<sup>r</sup> Joseph Gardiner for Essex & Norfolke, be a com<sup>i</sup>tee, & hereby impowred to call & receive the former com<sup>i</sup>tees account of what they haue don, & effectually to take such course as may bring in what yet remajnes, and to make satisfaction to Majo<sup>r</sup> Pynchon what yet remajnes due

18.  
Com<sup>i</sup>tee to procure payment to Maj<sup>r</sup> Pynchon for 16 barrells of porke, &c.

1672.

18 October.  
Tres<sup>r</sup> accounts  
for 70, 71, &c,  
auditted.

[\*716.]

Courts confir-  
mation of 50 &  
46 acres &  $\frac{1}{2}$  of  
land to Tho.  
Holbrook on  
termes, &c.

to him, & make their report to this Court in May next, that so they may determine what is yet further to be donne thereabouts.

The comitte appointed brought in the Tresurers accounts by them auditted, which is on file.

\*Thomas Holbrooke hauing presented a coppie of this Courts grant to him Octobr 8<sup>th</sup>, 1659, for a smale corner of land lying & adjoyning to a parcell of land he purchased on the north side of Charls Riuer, not exceeding fuetty acres, nor interfering w<sup>th</sup> former grants, nor the Indjan plantation, which sajd fuetty acres formerly granted being now lajd out, & presented in a plott, together with forty sixe acres & a halfe remayning of the countrys land, the Court judgeth it meet to grant & confirme the fifty acres so lajd out to the sajd Holbrooke, also the forty sixe acres & a halfe of country land, being vneven land, sajd Holbrooke agreeing for the price w<sup>th</sup> Deacon Parkes & M<sup>r</sup> Peirpoint, for the vse of the treasury.

Ans<sup>r</sup> to Nath.  
Chickering  
petiçon.

In ans<sup>r</sup> to the petition of Nathaniel Chickering. Whereas Left Joshua Fisher, Ensigne Daniell Fisher, & Thomas Aldridge were the persons formerly deputed to set out the parts to the seuerall partjes concerned in the late Samuell Judsons estate, & that Left Fisher is now dead, and the diuission not yet perfected, the Court judgeth it meet to order, and heereby appoint Timothy Dwight, of Dedham, to be in the roome of Joshua Fisher, deceased, & any two of them shall haue power to put a ffynall issue to the case.

23.  
Ans<sup>r</sup> to M<sup>r</sup>  
John Paynes  
petiçon, 12  
miles granted  
him, &c, w<sup>th</sup>  
priuilegd of  
trade, &c, on  
condiçons.

In ans<sup>r</sup> to the petiçon of M<sup>r</sup> John Pajne, this Court grants to him & such persons as shall joyne w<sup>th</sup> him, provided their names be presented to the next Generall Court, & there accepted, a tract of land in the westerne parts of our colony, at or neare Hudsons Riuer, to the contents of tenn miles square, provided it be not lajd out aboue twelue miles in length, as also the priuiledge of free trade w<sup>th</sup> the natives in these westerne parts of all goods & things allowed by lawe; this free trade w<sup>th</sup> the Indians for twenty one yeares, & the land as an inhæritance for euer, provided the setling and planting there be at their oune cost, and w<sup>th</sup>out any charge to this colony, and that after they haue settled twenty familjes on the place, to procure & majtejne a godly & orthodox ministry there.

23.  
Ans<sup>r</sup> to Alice  
Thomas peti-  
çon.

In ans<sup>r</sup> to the petiçon of Alice Thomas, humbly desiring this Courts favour to grant hir liberty & freedom from hir restrajnt, &c, the Court judgeth it meet to grant hir request, provided she inhabit not in Boston.

W<sup>m</sup> Allie left,  
Joseph Whi-  
ting cornet, to  
the troope in  
Hampshire.

Cornet W<sup>m</sup> Allis is appointed to be leiftenānt to the troope in Hampshire, vnder the comānd of Majo<sup>r</sup> John Pynchon, & M<sup>r</sup> Joseph Whiting is appointed & allowed to be cornet to the sajd troope, & that the secretary issue out comissions vnto them accordingly.

Major Bryan Pendleton, on his request, is dismissed from that service, and the care of that regiment is left to Jn<sup>o</sup> Leueret, Esq<sup>r</sup>, major generall, who is hereby authorized to appoint an adjutant, or meet person to execute that place p<sup>r</sup> tempore till this Court shall take further order.

Mr Thomas Daniel, being at the last Court appointed left to the troope of horse vnder the conduct of Robert Pike, captaine, is so infirme in his body as renders him vncapable of that service. Mr W<sup>m</sup> Vaughan is appointed left in his roome.

In ans<sup>r</sup> to the petiçon of Edward Naylor, Q. Whether Edward Naylor shall, vpon good security given to the secretary to the Court of Asistants for the good behauour towards all persons, in speciall towards his late wife, be released from his bannishment from Boston, & w<sup>th</sup>in twenty miles thereof: The Court resolves this quæstion on the affirmative. Whither Edward Naylor shall haue deliuered to him all the estate properly & legally belonging to him, together w<sup>th</sup> his bookes & papers: This quæst<sup>n</sup> is resolved on the affirmative. Whither Edward Naylor shall haue his children to dispose of according as he shall see meet for their further good: This quæstion is resolved on the affirmative, provided the said Naylor give good security to the County Court next in Boston, that the children be well educated & provided for according to his ability: & this is also resolved on the affirmative.

\*Whereas there hath binn a complaint exhibbited to this Court by many of Newbery, whereby it is euident that the council agreed to, & sent in May last to be attended to by them, hath not binn so attended as the Court expected, and for that the persons more especially informd against as obstructing the same haue not appeared personally before the Court, that they might answer for themselues, this Court doe further comend the said advice vnto them to be attended by both partjes professing their readines thereto, and that the distemper of their contentions may not obstruct in the manner of their coming to the vnderstanding of themselues and one another therein, this Court doeth appoint Mr Thomas Danforth, Mr Willjam Staughton, Mr Vrian Oakes, Dr Leonard Hoare, Cap<sup>t</sup> Thomas Clarke, Mr Henry Bartholmew, Mr John Eljot, & Mr Joshua Moody a comitte, and that the major part of the whole meeting there shall be a quorum, who are to repaire to Newbery, & call both partjes together, and perswade w<sup>th</sup> them to attend the same in loue & Christian submission one to another, according to God; and in case there shall appeare any refractorines in any amongst them that the persons so sent cannot prevajle w<sup>th</sup> them, that they then make returne to the next Court of Election what they finde & doe therein.

1672.

23 October.  
Maj<sup>r</sup> Pendleton, on his request, dismissed y<sup>e</sup> service.  
Care of y<sup>e</sup> regiment left to Maj<sup>r</sup> Gen. Leueret.

Mr W<sup>m</sup> Vaughan left to y<sup>e</sup> troope vnder Cap<sup>t</sup> Pike conduct.  
3 quæst<sup>s</sup> ans<sup>d</sup>.  
1 quæst., as to Edward Naylor's petiçon.

2 quæst.

3 quæst.

[\*717.]

Committee abt  
Newbery case.

1673. \**Att a Generall Court for Elections, held at Boston, 7<sup>th</sup> May, 1673.*

7 May.

[\*718.]

[PRESENT.]	Jn <sup>o</sup> Leueret, E <sup>s</sup> , Go <sup>u</sup> .	
	Sa <sup>m</sup> Symonds, E <sup>s</sup> , Dep <sup>t</sup> Go <sup>u</sup> .	
	Symon Bradstreet,	} Es <sup>q</sup> s, Asistants.
	Daniel Gookin,	
	Daniel Dennison,	
	Symon Willard,	
	Richard Russell,	
	Thomas Danforth,	
	W <sup>m</sup> Hathorne,	
	John Pynchon,	
	Edward Tyng,	
	W <sup>m</sup> Staughton,	
	Thomas Clarke,	

**J**OHN LEUERET, Es<sup>q</sup>, was chosen Go<sup>u</sup>no<sup>r</sup>, & in open Court tooke his oath.

Samuel Symonds, Es<sup>q</sup>, was chosen Dep<sup>t</sup> Go<sup>u</sup>, & tooke his oath.

Symon Bradstreet, Es <sup>q</sup> ,	} were chosen Assistants, & tooke y <sup>e</sup> ir othes.
Daniel Gookin, Es <sup>q</sup> ,	
Daniel Dennison, Es <sup>q</sup> , 2 Co <sup>m</sup> in reserv,	
Symon Willard, Es <sup>q</sup> ,	
Richard Russell, Es <sup>q</sup> , & Tresu <sup>r</sup> ,	
Thomas Danforth, Es <sup>q</sup> , 1 Co <sup>m</sup> issio <sup>r</sup> ,	
W <sup>m</sup> Hathorne, Es <sup>q</sup> , 2 <sup>d</sup> Co <sup>m</sup> iss <sup>i</sup> ,	
John Pynchon, Es <sup>q</sup> ,	
Edward Tyng, Es <sup>q</sup> ,	
W <sup>m</sup> Staughton, Es <sup>q</sup> , 1 Comi <sup>s</sup> in reserve,	
Thomas Clarke, Es <sup>q</sup> ,	

Edward Rawson was chosen Secretary.

The names of the deputjes returned to serve at this Court were, —  
M<sup>r</sup> Henry Bartholmew, for Salem.

Capt<sup>t</sup> John Allen, Capt<sup>t</sup> Laurenc Hamon, for Charls Toune.

Capt<sup>t</sup> Hopestill Foster, Leif<sup>t</sup> John Capen, for Dorchester.

M<sup>r</sup> Anthony Stoddard, Lef<sup>t</sup> Thomas Clarke, for Boston.

M<sup>r</sup> Joseph Dudley, M<sup>r</sup> W<sup>m</sup> Parkes, for Roxbury.

Mr Thomas Hastings, Left Richard Beeres, for Water Toune.  
 Mr Edward Oakes, Capt Thomas Prentice, for Cambridg.  
 Left Oliuer Purchas, for Lynn.  
 Left Sam<sup>l</sup> Apleton, Mr W<sup>m</sup> Goodhue, for Ipswich.  
 Mr John Richards, for Newbery.  
 Left John Holbrooke, for Weymouth.  
 Capt Joshua Hubbard, for Hingham.  
 Mr Peter Bulkley, for Concord.  
 Ensigne Daniel Fisher, for Dedham.  
 Capt Eliaz<sup>r</sup> Holyoake, Sprig.  
 Mr Sam<sup>l</sup> Dalton, for Hampton.  
 Mr Richard Swann, for Rouley.  
 Left Edmund Quinsey, for Brauntry.  
 Capt Richard Walderne, Left Peter Coffyn, for Douer.  
 Mr Humphry Dauye, Capt Edw<sup>m</sup> Hutchinson, for Wooborne.  
 Mr Eljas Styleman, for Portsmouth.  
 Left George Broune, for Hauerill.  
 Capt John Wayte, for Malden.  
 Left W<sup>m</sup> Clarke, for North Hampton.  
 Left Samuel Smith, Mr Peter Tylton, for Hadley.  
 Left Silvester Evilly, for Glocester.  
 Mr John Hull, for Westfeild.  
 Mr Peter Bracket, for Scarbough.  
 Mr ^ Hawton, for Lancaster.  
 Mr Hezekiah Vsher, for Billireca.  
 Capt Thomas Lauthrop, for Beuerly.  
 Left Roger Playsted, for Kittery.

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Capt Richard Walderne was chosen Speaker for this first session.

The Court, hauing considered the awfull hand of God in the destruction of the Castle by fjer, doe order and appoint, 1<sup>st</sup>. That there be a smale regular peece erected where the old Castle stood, (not exceeding sixty ffoote square w<sup>th</sup>in, or proportionable,) for the defence & security of the battery, & enter-  
 teinment of such garrison as maybe meet. 2<sup>y</sup>. That the charge hereof be defrayed by the late subscriptions & contributions for that end, & what shallbe wanting to this worke be levyed by a publicke rate, wherein those who haue already contributed shallbe considered according to what is already declared. And for the mannagement of this affajre, and to conclude the matter & forme

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of the said Castle, & bring the same to a compleat end as speedily as may be, the honoured Governo<sup>r</sup>, John Leucet, Esq<sup>r</sup>, Captaine W<sup>m</sup> Davis, Cap<sup>t</sup> Roger Clap, Cap<sup>t</sup> Thomas Sauage, & M<sup>r</sup> John Richards are appointed & impowred as a co<sup>m</sup>ittee; and what shallbe concluded, from tyme to tyme, by any three of this co<sup>m</sup>ittee, the honoured Go<sup>v</sup>no<sup>r</sup> being one, it shall be accounted a valid act to the ends aforesajd.

It is ordered, that the next County Court at Salem admi<sup>n</sup>ster the oath to Major W<sup>m</sup> Hathorne as to the place of Asistant, to which he is chosen.

[\*719.]

\*This Court takeing into serious consideration the great necessitie of vp-holding the staple co<sup>m</sup>oditjes of this country, for the supply & support of the inhabitants thereof, and finding by experience the bringing in of mault, which is a principall co<sup>m</sup>oditje of this country, from forreigne parts, to be exceeding prejudiciall to the inhabitants of this colony, it is therefore ordered, that whosoever, whither inhabitant or stranger, that shall, directly or indirectly, from henceforth import into this jurisdiction from any parts of Europe any maulte, every such person shall pay vnto the Tresurer of the country the s<sup>u</sup>me of sixe pence p bushell for mault so landed, besides the rate of one penny p pound formerly imposed, & the collector shall stand chardged w<sup>th</sup> gathering vp of the said impost, & to returne the same to the Tresurer.

Whereas all fishermen (setled inhabitants) are by lawe exempted from ordinary traynings, which indulgence is by many persons improoved when they are at home, & not employed in their callings, to be spectators, or otherwise ideling, gaming, or spending their tyme vnprofitably, whereby such persons as attend their duty, & spend their tyme in that service, are discouraged, for the prevention hereof, it is ordered by this Court & the authority thereof, that all fishermen, being inhabitants, when they are at home, (and not employed necessarily, & so judged by the cheife officers,) shall attend publick traynings, or else be fined five shillings, as the law directs for others absent, any lawe, custome, or vsage to the contrary notwithstanding.

This Court hauing long since made an order to prevent damage do<sup>n</sup> by horses, ti<sup>t</sup> Cornfields, &c, sect 3<sup>d</sup>, but no p<sup>o</sup>enalty annex therevnto, as an addition to the said lawe, this Court doeth order, the p<sup>o</sup>enalty on nonobservance thereof, w<sup>th</sup> respect to horses, to be five shillings fine for every such offence to the toun where it is co<sup>m</sup>itted, besides any damage accrewing by every such horse or horse kind so vnfettered or vnshackled, as in the said law is provided; and further, that none shallbe permitted to keepe a horse or horse kind in the woods or co<sup>m</sup>ons but such as are accepted free co<sup>m</sup>oners in any such toun, vnder the p<sup>o</sup>enalty of twenty shillings a horse for every such offence, to be disposed of as the selectmen shall see meet; and ffurther, as an

explanation of the late lawe respecting stone horses not to goe vpon the comons vnder the pœnalty of twenty shillings a moneth, this Court doeth declare, that it is to be vnderstood of twenty shillings for euery such horse found on the comon, so often as he shall be found there.

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Forasmuch as sundry vnskilfull persons haue of late yeares taken vpon them to boyle, pickle, & sell sturgeon for transportation, of which sundry kegs & other caske haue prooued corrupt & wholly vnseruiceable, to the disappointment & damage of sundry merchants & others, as also to the debasement of that comodity, & reproach of the country, w<sup>ch</sup>, if duely ordered, might be beneficiall to the inhabitants for transportation & otherwise, it is therefore ordered & enacted by the authority of this Court, and be it hereby ordered & enacted, that no person whatsoever shall henceforth boyle, pickle, or packe vp any sturgeon for sale in this jurisdiction but such as shall be licensed therevnto by the County Court where such persons inhabit, on pœnalty of forfeiture thereof, one halfe to the informer, and the other halfe to the country. And to the end there may be no fraud or abuse in the said comodity, euery such licensed person shall brand marke all caske wherein it is packed w<sup>th</sup> the letters of his name; and that there be searchers appointed & sworne to vjew all sturgeon made heere, or imported, before it be sold or in kinde passed away, who shall sett their marke on such as they finde sound & sufficient in all respects, both as to the quallity of the sturgeon & gage of the cask; and that only such so marked as aboue shall be exported, on pœnalty of forfeiture of the whole value thereof; ffor whose care & labour the sturgeon boyler or importer shall pay, for the vejwing & heading thereof, after three shillings fower pence p score for all kegs & firkins, from tyme to tyme. And if any shall counterfeit the sturgeon boylers or packers marke, they or he shall forfeit five pounds to the country for euery such defect. And it is referred to the respective County Courts to license able & fitt persons to boyle & pickle sturgeon for sale, as likewise to appoint searchers to vejw & marke the same as abouesajd.

Courts order as  
to sturgeon &  
its sale, &c.

\*The Court, being informed of seuerall mistakes, if not frauds & deceits, that haue binn in the late nominations & elections, they judge meet, that there be some further order set for the future for the better regulating of that matter of nomination & election of magistrates & publick officers, & preventing mistakes & abuses therein, doe therefor order & appoint Thomas Danforth & Jn<sup>o</sup> Pynchon, Esq<sup>rs</sup>, M<sup>r</sup> Humphry Daury, M<sup>r</sup> Anthony Stoddard, & M<sup>r</sup> Jn<sup>o</sup> Hull to be a comittee to consider of, draw vp, & present to the Court what maybe meet in this affaire.

[\*720.]

Co<sup>m</sup>ittee to  
draw vp an or-  
der to regulat  
elections, &c.

In ans<sup>r</sup> to the motion of deputjes for Portsmouth & Yorkshire, it is ordered, that W<sup>m</sup> Staughton, Esq<sup>r</sup>, shall & hereby is appointed and impowred to

W<sup>m</sup> Staughton  
to keep Douer  
& Yorks  
Courts.

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Comissioners  
for Yorks &  
Douer.

keepe the County Courts at Douer & in Yorkshire, w<sup>th</sup> the associates ther, for this yeare.

It is further ordered, that Cap<sup>t</sup> Richard Walderne, M<sup>r</sup> John Cutt, Cap<sup>t</sup> Richard Cutt, and M<sup>r</sup> Elias Styleman shall & hereby are impowred with magistratticall power in those precincts for this yeare ensuing, i. e., Yorks, Dou, & Portsmouth.

Cap<sup>t</sup> Gookin  
to keepe Nor-  
folke Courts.

It is ordered, that Daniel Gookin, Esq<sup>r</sup>, to keepe the County Courts of Norfolke, w<sup>th</sup> the associates there, for the yeare ensuing.

Officers to y<sup>e</sup>  
foot compa. at  
Fort Island at  
Piscataquae.

Vpon the consideration had of the act of the comitte of the militia for the Ryuer of Piscataqua to this Court, it is ordered by the authority of this Court, that the souldjers dwelling on the great island at Piscataqua, w<sup>th</sup> the souldjers in Kittery, from Spruce Creek eastward, shallbe dischargd from the companyes of which they formerly were, & from henceforth shall become a distinct foot company, & to belong to the fortification vpon <sup>a</sup> great island aforesajd, to be trayned & excercised there from tyme to tyme, & to be ready on all occasions to attend the service thereof for its defence & security. And it is further ordered, that M<sup>r</sup> Richard Cutts shallbe captaine & comāder in cheife of the sajd fort & the ffoot company now established; Eljas Styleman to be leiftennant, & Joakin Harvey to be ensigne, & that comission issue out from y<sup>s</sup> Court for y<sup>e</sup> enabling of them to discharge their trust.

Rich. Cuts  
cap<sup>t</sup>, Eli.  
Stilem. lef<sup>t</sup>,  
Joakin Har-  
vey ensig.

Cap<sup>t</sup> Salton-  
stall, Major  
Pike, & M<sup>r</sup>  
Daltons  
comiss<sup>s</sup>.

It is ordered by this Court, that Majo<sup>r</sup> Rob<sup>t</sup> Pyke shall haue & hereby is invested w<sup>th</sup> magistratticall power, in the county of Norfolke, & to act in all cases as any one magistrate may doe, and that Cap<sup>t</sup> Nathaniel Saltonstall & M<sup>r</sup> Samuel Dalton shall & hereby are alike impowred.

Cap<sup>t</sup> Torrey to  
give oaths, &c.

Vpon a motion from the toune of Weymouth, Cap<sup>t</sup> W<sup>m</sup> Torrey is hereby appointed & impowred to adminster oathes in y<sup>e</sup> sd toune of Weymouth.

M<sup>r</sup> Wheelock  
to marry, &c,  
to give oaths in  
Mendon &  
Medfeild.

There being no magistrate neare Medfeild & Mendon, vpon the motion of the inhabitants of Mendon that some course may be taken for their ease & releife, it is ordered, that M<sup>r</sup> Ralph Wheelock, of Meadfeild, shall & hereby is appointed & impowred to administer oathes to wittnesses in or of either place, as also to solemnise marriage betweene persons belonging to either toune, legally published, till this Court shall take further order.

Cap<sup>t</sup> Carters  
comission.

Vpon a motion from Wooborne, it is ordered by this Court & the authority thereof, y<sup>t</sup> Cap<sup>t</sup> John Carter shall & hereby is authorized & impowred to joyne persons in marriage, according to lawe.

Quæst. to y<sup>e</sup>  
County Courts.

Quæst. Whither a person seized of a reall estate, dying intestate, administration being granted to relations present, according to lawe, any person from abroad clayming generally as heire to such estate, shall be admitted to sue for & enter vpon the same, by an attorney, w<sup>th</sup>out making appearance in person,

&c. In order to the answering to this quæst, the Court doeth impower the honored Gouverno<sup>r</sup>, Dep<sup>t</sup> Go<sup>v</sup>no<sup>r</sup>, M<sup>r</sup> Bradstreet, Major Dennison, M<sup>r</sup> John Richards, & Cap<sup>t</sup> Edward Hutchinson to be a comittee to consult the law & practise of England in the point, & what they or the majo<sup>r</sup> part of them shall agree in this case for consideration & confirmation, if they shall see cause; and that this comittee as aboue draw vp an order to state the trust & pouer of guardians, and to present the same to the Court as for approbation, as is aboue exprest. 15.

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\*In answer to the peti<sup>ti</sup>on of Jonathan Negus, humbly desiring the favour of the Court to allow him his arreares for his service to the Courte, in wayt-  
ing on the Go<sup>v</sup>no<sup>r</sup> & Court, in mony, the Court grants his request, & orders the Treasurer to satisfie & pay the peti<sup>ti</sup>oner his arreares as is desired.

[\*721.]  
Ans<sup>r</sup> to Jonathan Negus  
peti<sup>ti</sup>on.

In ans<sup>r</sup> to the petition of Susanna Martyn, humbly desiring the favour of this Court to grant hir further liberty, & y<sup>t</sup> hir sister Jones maybe joyned w<sup>th</sup> hir, further to prosecute & trye hir acc<sup>ti</sup>on in the next County Court in Norfolk, the Court grants hir hir petition, & that hir sister Jones be joyned w<sup>th</sup> hir in the prosecution & trjall of hir action in the County Court of Norfolk, sub forma pauperis, as hath binn formerly granted by this Court.

Ans<sup>r</sup> to Susanna Martjns  
peti<sup>ti</sup>on.

In ans<sup>r</sup> to the petition of Henry Phillips, ensigne to a foot company vnder the conduct of James Olliuier, capitaine, he is dismist from that service.

Ensigne Henry  
Phillips dis-  
mist.

And Sarjeant Elisha Hutchinson is appointed by this Court ensigne to Cap<sup>t</sup> Olliuers company in Boston in his roome.

Elisha Hutch-  
inson ensigne.

Walter Neale is appointed lef<sup>t</sup> to the ffoot company vnder the conduct of James Pendleton in Portsmouth.

Walter Neale  
lef<sup>t</sup>.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Edward Jackson & John Jackson, in behalfe of the inhabitants of Cambridge village, on the south side of Charls Riuer, this Court doeth judge meet to grant the inhabitants of the sajd village annually to elect one constable & three selectmen, dwelling among themselues, to order their prudentiall affaires of the inhabitants there according to lawe, only continuing a part of Cambridge in paying country & county rates, as also tounes rates, so farr as referrs to the gramar schoole & bridge, & also pay their proportion of the chardges of the deputjes of Cambridge, & this to be an issue to the controuersie betweene Cambridge & them.

Courts order  
or resolu<sup>e</sup> be-  
tween Cam-  
bridg & the vil-  
lage there.

As to the acco<sup>t</sup> presented to this Court in relation to expences & charges in seizing Henry Greenland, by M<sup>r</sup> Edw<sup>d</sup> Rushworth, amounting to fower pounds, the Court reffers the determination thereof to the County Court at Yorke, who is to order the payment of what is due as the law directs.

Acco<sup>t</sup> of  
chardges as to  
Greenland re-  
ferd to York  
county.Courts order  
or resolu<sup>e</sup> be-  
twene Salem &  
y<sup>e</sup> village, &c.

The Court, hauing heard the petitioners of the tounes of Salem, sees no

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cause to alter the fformer order of this Court in October last, saue onley that they add as a further explanation thereof, that neither the comon or other vn-improoved lands belonging to any inhabitant living w<sup>th</sup>out the precincts of the village w<sup>th</sup>in the toune of Salem, shall henceforth be lizable to assessments as to the village of Salem.

Ans<sup>r</sup> to the pe-  
tiçon of Abr.  
Drake, m<sup>r</sup>shall.

In ans<sup>r</sup> to the petition of Abraham Drake, marshall of Norfolke, the Court hauing heard by their comittee the state of the petiçoners case, judge that he cannot in a course of lawe haue any releife; yet, as he is a publick instrument, & acted honestly, but missed it in a point of lawe, doe order his allowance of fve pounds out of the publick treasury for y<sup>e</sup> county of Norfolke.

James Parker  
leif, W<sup>m</sup> Lar-  
kin ensig. to  
Groaten.

James Parker, of Groaten, hauing had the care of the military company there for seuerall yeares, is appointed & ordered to be their leiftennant, & W<sup>m</sup> Larkin to be ensigne to the sajd com company there.

Jn<sup>o</sup> Turners  
farme of 150  
acres lajd out.

Lajd out to M<sup>r</sup> John Turner, of Boston, one hundred & fiuty acres of land in the wilderness, at Mashapoag Pond, neere the head of Salmon Brooke, joyning to M<sup>r</sup> Edward Cowells farme, and bounded by it on northwest two hundred & seventy pole, bounded by M<sup>r</sup> Thomas Brattles land, which he bought of Billirrica, on the east, two hundred & twenty seven pole, and by wilderness land on the south, two hundred eighty sixe pole; his most north-erly angle is a smale white oake, mark<sup>t</sup> w<sup>th</sup> E C T; and from thenc it runes twenty degrees eastward of the south two hundred & twenty seven pole, vnto a walnut tree which stands in the ljne of M<sup>r</sup> Tings land, w<sup>th</sup> walnut tree is the most southerly angle of M<sup>r</sup> Brattles farme; from this walnut tree it runes west & by north two hundred eighty sixe pole, w<sup>th</sup> closeth the ljne againe to Cowells farme. The manner & forme of the lying thereof may be more fully demonstrated by this smale platforme of the same, taken by Jonathan Danforth, surv<sup>r</sup>, 27 9 m, 72. The Court approoves of this returne, prouided it intrench not on former grants.

[\*722.]

Ans<sup>r</sup> to Good-  
mans & Dick-  
insons petition.

\*In ans<sup>r</sup> to the petition of Richard Goodman and John Dickinson, both of Hadley, the Court refers the petiçoners to make good what they haue in their petition asserted to the next County Court in Hampshire. As to the euidence of such sale made in the life time of the sajd Ward, & when such euidence appears from the reccords of that Court, this Court will further consider of it.

Lancasters  
power, &c.

Whereas the honoured Major Willard, M<sup>r</sup> Thomas Danforth, w<sup>th</sup> the late Cap<sup>t</sup> Johnson, haue, by order of this Court, binn a comittee to order the prudentiall affaires of Lancaster for many yeares, Lancaster hauing binn settled for seuerall yeares, & as the sajd comittee informes, many yeares since binn trusted

by them, & able to mannage their oune affaires; the sajd toune of Lancaster now humbly desiring the Courts favour, that the comittee, for their great pajnes & service for so long a season, may be thankfully acknouledged & dismist from future trouble in such respect, & themselues betruſted, as other townes are, to mannage their oune affaires, the Court judgeth it meet to grant their request heerein.

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In ans<sup>r</sup> to the petition of John Towers, of Hingham, the Court referrs the petitioner to a due course of lawe against the towne or clarke of whom he complajnes.

Ans<sup>r</sup> to J<sup>n</sup>e  
Towers peti-  
tion.

In ans<sup>r</sup> to the petition of seuerall inhabitants of Douer, Portsmouth, &c, on behalfe of Henry Greenland, & for his liberty, the Court sees no cause to grant their request.

Petiçon as to  
Greenlands lib-  
erty denyd.

In ans<sup>r</sup> to the certificat or request of seuerall inhabitants of Douer, &c, on behalfe of Walter Barefoot, the person petitioned for not standing rectus in curia, the Court sees no cause to grant their request.

Petiçon or re-  
quest for Wal-  
ter Barfoot de-  
nyed.

In ans<sup>r</sup> to the petiçon of Thomas Daus, of Hauerill, it is ordered, that the administrators of the estate of Joseph Daus, or either of them, sattisfying & paying vnto Richard Dole his debt secured to him by a mortgage, are enabled heereby to sell & alljenate the houses & lands of the sajd Joseph Daus, deceased; and the sajd Dole being sattisfied, & thereby the lands being cleered of the mortgage, the remajnder shall be to sattisfy the creditors of the deceased proportionably.

Ans<sup>r</sup> to Tho.  
Daus petiçon.

In ans<sup>r</sup> to the petiçon of sundry inhabitants of Hadley, the Court judgeth it meete to grant the petiçoners request, i. e., the quantity of sixe miles square in the place desired, i. e., lying nere to the northward bounds of Hadley, &c; provided, that w<sup>th</sup>in seuen yeares or sooner, if it maybe, there be a competent number of familjes settled there, and provide themselues of an able & orthodox minister; & for their encouragement in so good a worke, this Court orders, & appoints, & impowers Major John Pynchon, Leff<sup>t</sup> W<sup>m</sup> Clarke, & M<sup>r</sup> W<sup>m</sup> Holton, to be a comittee to order in the meane time their prudentiall affaires, granting of lotts, & otherwise reserving in some convenient place two hundred & fifty acres of land for a farme for the countrys vse & disposall.

Ans<sup>r</sup> to y<sup>e</sup> pt.  
of inhabitants  
of Hadley for a  
new planta-  
tion.

In ans<sup>r</sup> to the petition of Mary Greenland, it is ordered by this Court, that Henry Greenland haue liberty to returne into this jurisdiction, & abide here vntill the first of September next, for the disposing his estate & remooving his family, provided he doe in other respects observe the order of the Court of Asistants, and depart after the tyme expired.

Ans<sup>r</sup> to Mary  
Greenlands  
petiçon.

In ans<sup>r</sup> to the petiçon of M<sup>r</sup> Elnathan Chancey, it is ordered, that the arrears due to y<sup>e</sup> late Reuerend M<sup>r</sup> Charles Chancy, præſident, be paid by the

Ans<sup>r</sup> to M<sup>r</sup> El-  
nathan Chan-  
ceys petiçon, &  
10<sup>li</sup> p<sup>r</sup> annum  
for Barnabas  
releife.

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Tresurer in mony, and that there be an allowance aually of tenn pounds a yeare, to be payd by the country Tresurer in money to the deacons of Cambridge, for & towards the releife of the petiōners brother, Barnabas Chauncey ; & this to continue during the Courts pleasure.

Mr Tuttle dis-  
mist, & Mr Eli-  
akim Hutch-  
inson a left in  
his roome.

Vpon the request of Leiftennant John Tuttle, left<sup>t</sup> to the Three County Troope, he is dismist from y<sup>t</sup> service, & Mr Eliakim Hutchinson is to suply y<sup>t</sup> place.

[\*723.]

Ans<sup>r</sup> to John  
Paynes request  
& renewall of  
his grant & ad-  
dition, Octob.,  
72.

\*In answer to the humble request & motion of Mr John Payne, in order to an improovem<sup>t</sup> of this Courts grant as to a new plantation in October last, 1672, humbly desiring that Jn<sup>o</sup> Leuerit, Esq<sup>r</sup>, Go<sup>o</sup>, & Jn<sup>o</sup> Pynchon, Esq<sup>r</sup>, magist<sup>t</sup>, maybe invested w<sup>th</sup> power & trust to regulat that affaire, & to admitt, w<sup>th</sup> Jn<sup>o</sup> Payne, such persons whose quallifications may deserve a reception into the plantation, none being admitted but by joynt consent ; and becaus a hill of a vast extent impedes the passag to that place, that priviledg may be granted to take vp y<sup>e</sup> quantity of land as it is in y<sup>e</sup> aforesaid grant expressed, & bounded in another place w<sup>th</sup>in twenty miles thereof, vnto w<sup>th</sup> passage maybe found for transportation ouer land, &c, the Court judgeth it meet to grant the petiōners request.

Ans<sup>r</sup> to Daniel  
& Chatwills pe-  
tiōn, pow<sup>r</sup>  
granted to y<sup>e</sup>  
executrix to  
confirme the  
sale, &c.

In answer to the petition of Steven Daniel, & Nicholas Chatwell, the Court judgeth it meete to grant & order, that the executrix of the sajd Joseph Grafton, Ju<sup>n</sup>, & the guardian of the orphant doe make & seale firme deeds of sale to the grauntees of the sajd land mentioned in this petition, which sajd deeds so made shallbe accounted good in lawe, any law to the contrary notw<sup>th</sup>standing.

Ans<sup>r</sup> to Had-  
ley petiōn &  
settlement of  
y<sup>e</sup>ir lands.

In ans<sup>r</sup> to the petition of the inhabitants of Hadley, for the settlement of the bounds thereof, it is ordered, that their bounds shall runn from their meeting howse five miles to the ryuer, & five miles doune the riuer, and sixe miles from their meeting house eastward.

Ans<sup>r</sup> to inhab-  
itants of Po-  
compticks  
petiōn, a new  
plantation  
gr<sup>ed</sup>ed them, &c.

In ans<sup>r</sup> to the petiōn of the inhabitants of Paucomptucke, Samuell Hindsdale, Sampson Frary, &c, the Court judgeth it meete to allow the petiōners the liberty of a touneship, and doe therefore grant them such an addition of land to the eight thousand acres formerly granted there to Dedham, as that the whole be to the content of seven miles square, provided that an able & orthodox minister w<sup>th</sup>in three yeares be setled among them, and that a farme of two hundred & fifty acres of land be layd out for the countrys vse ; and doe further appoint & impower Lef<sup>t</sup> W<sup>m</sup> Allys, Thō Meakins, Señ, & Serjent Isaack Graues, w<sup>th</sup> Lef<sup>t</sup> Samuel Smith, Mr Peeter Tylton, & Samuel Hindsdale, be a co<sup>m</sup>ittee, and any fower of them to act in all respects to lay out y<sup>e</sup> sd farme in a convenient place to admitt inhabitants, grant lands,

& order all their prudentiall affaires till they shallbe in a capacity, by meet persons from among themselues, to mannage their oune affaires, & that the comitteee be advised w<sup>th</sup> about settling of a minister there.

1673.

7 May.

A plat of a farme of one hundred & fifty acres of land was returnd into this Court, lajd out as folł: The land represented by this platt belongeth to Francis Addams, wife to James Addams, of Concord, granted to hir by the honord Generall Court in May, 1672, & in vpland & meadow conteyneth one hundred & fiety acres, & is scittuate about eight miles northward from Lancaster, and is bounded vppon all sides by country lands, the ljnes being extant by marked trees, many of the trees being marked w<sup>th</sup> the letter A; the ljne no<sup>r</sup> & south is the meriddian ljne. Layd out the 1<sup>st</sup> 9, 1672, by John Flynt. The Court approoves of this returne, provided it intrench not on any former grants.

Francis Addams farme of 150 acres lajd out & confirmed.

In ans<sup>r</sup> to the petiçõn of Theoder Atkinson, humbly desiring a hearing of his case, the Court judgeth it not meet to grant a hearing to the petiçõners of the matters conteyned therein.

Ans<sup>r</sup> to Theoder Atkinsons petiçõn.

In ans<sup>r</sup> to the petiçõn of Joseph Braddish, it is ordered, that the petitioner haue his liberty to make vse of the law for his rights.

Ans<sup>r</sup> to Joseph Braddish petiçõn.

It is ordered, & Samuel Symonds, Esq<sup>re</sup>, Dep<sup>t</sup> Go<sup>v</sup>, Symon Bradstreet, & W<sup>m</sup> Staughton, Esq<sup>res</sup>, M<sup>r</sup> Jn<sup>o</sup> Oxenbridge, M<sup>r</sup> Vryan Oakes, Cap<sup>t</sup> Joshua Hubbard, M<sup>r</sup> John Richards, M<sup>r</sup> Henry Bartholmew, Cap<sup>t</sup> John Hull, & M<sup>r</sup> Samuel Torrey shallbe & hereby are appointed a committee to consider of these three questians or proposalls, the magistrates \*to appoint time & place of meeting, making their return to the next sessions of y<sup>e</sup> Court. 1 Q. Whither according to pattent there be a negative vote in any part of the Generall Court; if there be, then in what cases. Secondly. How farr our possitive lawes doe in this matter agree w<sup>th</sup> or disagree from the patent.

1 q.  
2 q.  
Y<sup>e</sup> grd. quæst.

[\*724.]

3 Q. Where the vse of the neagtive voat causeth an obstruction in any 3 q. matter of necessity to be concluded or of great moment to the publick, what may be the best expedient for an issue, whither by lot or otherwise.

M<sup>r</sup> John Vsher hauing binn at the sole chardge of the impression of the booke of lawes, & presented the Go<sup>v</sup>no<sup>r</sup>, magistrate, secretary, as also euery deputy, the clark of y<sup>e</sup> deputjes on, & Cap<sup>t</sup> Daus one, the Court judgeth it meete to order, that for at least this seven yeares, vnlesse he shall haue sold them all before that tjme, there shallbe no other or further impression made by any person thereof in this jurisdiction, vnder the pœnalty this Court shall see cause to lay on any that shall adventure in that kind, besides making ffull satisfaction to the sajd M<sup>r</sup> Jn<sup>o</sup> Vsher or his assignes for his charge & damage therein. Voated by y<sup>e</sup> whole Court met together.

No impression further of y<sup>e</sup> lawes y<sup>e</sup> 7 yeares on pœnalty, & sattisfaction to M<sup>r</sup> Jn<sup>o</sup> Vsher, &c.

The Court was adjourned to the 15<sup>th</sup> of October next, at eight of the clocke in the morning.

1673. *\*Att a speciall Generall Court, assembled in Boston, the 16<sup>th</sup> of  
 16 September. September, 1673, by speciall Warrants by order of y<sup>e</sup> Gow<sup>n</sup>or  
 [\*725.] & Council, to consult the publick Safety.*

PRESENT, Jn<sup>o</sup> Leueret, Esq<sup>r</sup>, Go<sup>v</sup>.

Sa<sup>m</sup> Symonds, Esq<sup>r</sup>, Dep<sup>t</sup> Go<sup>v</sup>.

Symon Bradstreet,

Daniel Gookin,

Daniel Dennison,

Symon Willard,

Rich Russell,

Thomas Danforth, } Esq<sup>rs</sup>.

John Pynchon,

Edward Tyng,

W<sup>m</sup> Staughton,

Thomas Clarke,

The names of y<sup>e</sup> deputjes returnd to serve at this Court were, & present, —

Sā : M<sup>r</sup> Henry Bartholmew.

Ch : Cap<sup>t</sup> Jn<sup>o</sup> Allyn, Cap<sup>t</sup> Lawrenc Hamond.

Dor<sup>c</sup> : Cap<sup>t</sup> Hopestil Foster, Lef<sup>t</sup> Jn<sup>o</sup> Capen.

Bos<sup>t</sup> : M<sup>r</sup> Anthō Stoddard, Lef<sup>t</sup> Thomas Clarke.

Rox<sup>b</sup> : M<sup>r</sup> Joseph Dudley, M<sup>r</sup> W<sup>m</sup> Parkes.

Water<sup>r</sup> : M<sup>r</sup> Thō Hastings, Lef<sup>t</sup> Rich<sup>d</sup> Beers.

Cam<sup>b</sup> : M<sup>r</sup> Edw<sup>o</sup> Oakes, Cap<sup>t</sup> Thō Prentice.

Ly<sup>n</sup> : M<sup>r</sup> Olliuer Purchis.

Ip<sup>s</sup> : Cap<sup>t</sup> Sa<sup>m</sup> Apelton, M<sup>r</sup> W<sup>m</sup> Goodhue.

Ne<sup>w</sup> : M<sup>r</sup> Jn<sup>o</sup> Richards, M<sup>r</sup> Rich Dole.

We<sup>y</sup> : Lef<sup>t</sup> Jn<sup>o</sup> Holbrook.

Hin<sup>g</sup> : Cap<sup>t</sup> Jos<sup>h</sup> Hubbard.

Con<sup>c</sup> : M<sup>r</sup> Peter Buckley.

Ded<sup>h</sup> : Ensi<sup>g</sup> Da<sup>n</sup> Fisher, M<sup>r</sup> Thō Fuller.

Spring<sup>e</sup> : Cap<sup>t</sup> Eliaz<sup>r</sup> Holioak.

Sali<sup>s</sup> : Majo<sup>r</sup> Rob<sup>t</sup> Pike.

Ro<sup>w</sup> : M<sup>r</sup> Max<sup>i</sup> Juet.

Brain<sup>t</sup> : Lef<sup>t</sup> Edm<sup>o</sup> Quinsey.

Do<sup>v</sup> : Cap<sup>t</sup> Rich Waldern, Lef<sup>t</sup> Peter Coffyn.

Red : Cap<sup>t</sup> Rich Walker.  
 Sudbū : Lef<sup>t</sup> Edm Goodenow.  
 Port<sup>s</sup> : M<sup>r</sup> Rich Martyn.  
 Hauē : Lef<sup>t</sup> Georg Broune.  
 Woo<sup>b</sup> : M<sup>r</sup> Humphrey Davy, Cap<sup>t</sup> Edw Hutchuson.  
 Glō : M<sup>r</sup> James Steeven.  
 Mald : Cap<sup>t</sup> Jn<sup>o</sup> Wayt.  
 Hadly : M<sup>r</sup> Peter Tylton, Ens<sup>i</sup> Heñ Phillip.  
 North Hañ : Lef<sup>t</sup> W<sup>m</sup> Clark.  
 Lanč<sup>š</sup> : M<sup>r</sup> Ralp: Hawton.  
 Chelm<sup>s</sup> : M<sup>r</sup> Thō Addams.  
 Kittery : Lef<sup>t</sup> Ro<sup>g</sup> Plajsted.  
 Scar<sup>b</sup> : M<sup>r</sup> Peter Bracket.  
 Beu<sup>r</sup>ly : Cap<sup>t</sup> Thō Lauthrop.  
 Meadfeild : Cap<sup>t</sup> Georg Barber.

1673.

16 September

**T**HE affaires vpon which this Court was convened hauing binn represented to them, and seriously weighed, w<sup>th</sup> the letters received from our confederate of the two other colonjes touching this matter, doe declare, that at present they doe not judge it expedient at this season to engage in the concerns thereof, further then the making prouission for our oune safety.

This day the Court receaued seuerall letters ; one from Connecticott, and the other from Pljmouth, our confederates, w<sup>ch</sup> were both read in the Court, to w<sup>ch</sup> the Court sent this ans<sup>r</sup> : —

S<sup>r</sup> : I am required by our Generall Court to acquaint yo<sup>r</sup> wo<sup>pp</sup>, that on 19 September. their perusing of your, & the letters w<sup>ch</sup> they receaued from yow & from Pljmouth about the same tyme of yo<sup>r</sup>s, on their due consideration whereof w<sup>th</sup> what hath binn presented before them, haue declared that they judge it not expedient at present to engage in that affaire, otherwise then to prouide for their security. Hauing not els to giue yow at this time further trouble, presenting my humble service to yo<sup>r</sup> wo<sup>p</sup>, remayne, s<sup>r</sup>,

Your humble servant,

EDWARD RAWSON, Secre<sup>t</sup>, by order of  
the Generall Court of Massachusetts.

Boston, 19 Sept<sup>r</sup>, 1673.

Supscribed, These for y<sup>e</sup> wo<sup>r</sup>pp<sup>l</sup> Jn<sup>o</sup> Winthrop, Esq<sup>r</sup>, Go<sup>u</sup>nr, for his maj<sup>ty</sup> colony at Conecticot, p<sup>sent</sup>. Y<sup>e</sup> like to Plimouth.

1673.

19 September.

Itt is ordered, that M<sup>r</sup> Hezekiah Vsher, Seiñ, shallbe & hereby is desired by his correspondents in England to procure & purchase fíue hundred new snap hances, or fire lock musketts, at the cheapest hand, & to bring them hither for the countrys vse, this Court hereby declaring that they shall & will take them off at reasonable advance.

It is ordered, that M<sup>r</sup> Willjam Broune, Senĩ, Cap<sup>t</sup> George Corwin, M<sup>r</sup> Peter Lydgett, & M<sup>r</sup> Samuel Shrimpton, who haue their correspondents in Bilboa, and the trade there, shall & hereby are desired by their correspondents to procure and purchase a thirty or forty great guns, whole culvering, demy culvering, and sakers, at the cheapest hand, and to bring them hither for the countrys vse, the Court heereby declaring that they shall and will take them off at reasonable advance. As an addition & explanation of the order aboue refferring to great artillery, it is ordered, that there be sixty great gunns sent for, and that the dimentions of the sajd guns be, viz., twelue whole culverin, twelue demy culverin, twenty demy culverin cutts, sixteene sakers, or as neere those proportions as can be procured, and that twenty or thirty shott, round proportionable to each gun, be also sent for.

[\*726.]

15 October.

*\*Att a second Sessions of the Generall Court, held at Boston,  
15<sup>th</sup> October, 1673.*

Addition to the  
law for admis-  
sion of free-  
men.

AS an addition to the law, title Freeman, section the third, it is ordered by this Court and the authority thereof, that henceforth the names of such as desire to be admitted to the freedome of this comon-wealth, not being members of churches in full comunion, shall be entred w<sup>th</sup> the secretary, from tyme to tyme, at the Court of Election, and read ouer before the whole Court sometime that sessions, and shall not be put to vote in the Court till the Court of Election next followg.

Addition to the  
law of the Sab-  
bath.

As an addition to the lawe of the Sabboath, sect the second, it is ordered by this Court and the authority thereof, besides the pœnalty vpon the persons there offending, the publick housekeeper, where any such person or persons are found so transgressing, (as in the sajd law is exprest,) shall pay five shillings to the treasury of the country where the offence is comitted.

Order for pub-  
lishing the  
lawes.

It is ordered by this Court and the authority thereof, that all lawes & orders of this Court which are thought fitt to be published at the end of euery sessions shall be forthwith sent to the presse, and also read in the markt place at Boston vpon the fifth day, being a lecture day, w<sup>th</sup>in ten dayes after

the end of such sessions, which, being performed, is and shall be accounted sufficient publication; and further, that printed copies shall be dispersed at the discretion of the Treasurer, and care taken for the same by the secretary and marshall generall, as the law directs, for 231.

1673.

15 October.

It is ordered by this Court and the authority thereof, that where there be sundry proprieties of lands lying together, and are enclosed by a fence, although not by consent of parties or by any prudentiall act of authority disposing the same into one common feild, the major part of such propriety may order & limit the proportion of cattle that shall be put to feede thereon, or may otherwise be limited and proportioned by the selectmen of the town or townes where such lands doe lye, according to the direction of the law, title Cattle & Cornfields.

Order directing  
the regulation  
of proprieties  
in common pas-  
tures.

The Court observing the wicked and vnrighteous practises of euill men to encrease some piratically seizing of shippes, ketches, &c, with their goods, and others by rising vp against their commanders, officers, and employers, seizing their vessells and goods at sea, exposing their persons to hazard, &c, for the prevention whereof, and that due witness may be borne against such bold and notorious transgressions, —

This Court doeth order, & be it hereby ordered & enacted, that what person or persons soeuer shall piratically or feloniously seize any ship or other vessell, whither in the harbour or on the seas, or shall rise vp in rebellion against the master, officers, merchant, or owners of any such ship or other sea vessell and goods, and dispoyle or dispossess them thereof, and excluding the right owner or those betruusted therewith, euery such offender, together with all their complices, if found in this jurisdiction, shall be apprehended, and, being legally convicted thereof, shall be put to death; provided allwayes, that any such of the said company (who through feare or force haue binne draune to comply in such wicked action) that shall, vpon their first arrivall in any of our ports or harbours, by the first opportunity, repaire to some magistrate or others in authority, and make discovery of such a practise, shall not be liable to the aforesaid penalty of death.

Order to prevent  
pyracy.

It is hereby ordered and declared, that it shall be lawfull for any person by his lawfull attorney, authorized vnder his hand and seale, and legally prooved to be his act & deed, to sue in any of our Courts for any right or interest that he may haue to any estate of lands or goods, or any part thereof, according to our law, vnless the Court, vpon the hearing thereof, shall find just reason to demurr vpon the validdity of the attorniship, in one respect or other.

Order impou-  
ring attorneys

It is ordered by this Court and the authority thereof, that the power and

Guardians  
power in case.

1673.

15 October.

[\*727.]

trust committed to all guardjans is as full to recouer and take all estate into their hands as if the child or children themselves for whom they are guardjans were at age, and to improve the estate for the childe or childrens advantage, till at age, & generally to act as farr as administrato's may doe, except by will of the deceased the *\*the* estate was committed to an excecuto<sup>r</sup> or others for their education vntill such an age, the guardjan giving security to the Court for his faithfull performance of his trust.

Valuation of  
sheep to the  
country &  
county rates.

This Court, taking into consideration that the price which sheepe are valued at in the country rate is farr about what they are worth, and that no man might be discouraged from keeping that vsefull creature, so beneficiall both for foode & cloathing, it is hereby ordered and declared, that all sheep rateable in the country rate, of what kinde soeuer, shallbe valued at five pounds p<sup>r</sup> score in all country and county rates; and this order to take place in the sixth moneth next.

Addition to y<sup>e</sup>  
law, tit.  
Searchers of  
Leather.

As an explanation of the law, tit<sup>h</sup> Hides and Skyns, sect<sup>h</sup> the first, prohibiting transportation of vnwrought leather, this Court declares, that by vnwrought leather is to be vnderstood not made vp into wares; and further judge meet to declare, that no leather, being tanned, shallbe sent to the curriers to be dressed before the sealer of leather haue vejwed and set his marke therevnto, under such pœnalty as the law provides in this case, tit<sup>h</sup> Leather.

Pœnalty for  
taking away  
canoo, skiff,  
boat, shallop,  
&c.

It is ordered by this Court and the authority thereof, that if any person shall take away any shallop, boate, skiffe, or canoo from any vessell, wharfe, or from the mooring, w<sup>th</sup>out leaue from the ouno<sup>r</sup> or master thereof, he shall pay to the sajd ouno<sup>r</sup> or master, if it be a canoo, five shillings; and for a boate or skiffe, ten shillings; and if it be a shallop, twenty shillings; and so much p<sup>r</sup> day for euery day after the first day deteyning or not returning the same, together w<sup>th</sup> what euer damage the sajd ouner or master of the sajd canoo, boate, skyffe, or shallop shall susteyne thereby in any kinde, to be judged by any magistrat or comissioner authorized by law in like cases; and further, to fine the party offending for his trespass to the county, if there be cause.

Persons selling  
liquors to In-  
dia. liable to  
whipping in  
case.

Whereas by experience, many persons, through pouerty, not able to pay the fine imposed by law on the sale of liquors to Indians, are thereby imboldened to transgresse, as an addition to the law, p. 75, sect<sup>h</sup> 3, it is hereby ordered, that persons transgressing that law, and not paying the fine imposed, shallbe punished by whipping, at the discretion of the judges and greatenes of the offence, any law, custome, or vsage notwithstanding.

Question  
about imposts  
resolved.

It being put to the quæstion whither wine and strong waters belonging to any inhabitant of Piscataqua, and imported into these parts to the market,

be liable to pay duties according to the law, title Impost, — this question is resolved on the affirmative, provided the said goods have not paid impost in some of our ports already, according to lawe.

1673.

15 October.

It is ordered by this Court, that Mr Willjam Broune, Señ, Capť Georg Corwin, Mr Peter Ljdget, & Mr Samuel Shrimpton shall be and are heereby desired to send abroad to any part of Europe, America, or else to their correspondents, to procure & purchase sixteen demy canon, twelue whole culverin, & twelve demy culverin, w<sup>th</sup> twenty or thirty pounds of shott, proportionable to each gunne, at the cheapest hand, to be brought hither for the countrys vse, declaring that they shall & will take them off at reasonable advance, according to what is then vsuall from the parts from which they be imported; and Richard Russell, Esq<sup>r</sup>, county Treasurer, Capť John Alljn, & Capť Lawrence Hammon, are heereby desired to acquaint the gentlemen with the minde of the Court herein, and any two of them are impowred to effect it.

Tres<sup>r</sup>, Capť Al-  
lin, & c<sup>o</sup>, a  
comitte to  
treat w<sup>th</sup> seu.  
gen<sup>l</sup> to pur-  
chase & pro-  
cure great  
gunns, & c<sup>o</sup>.

It is ordered that Capť Thomas Clarke, Mr Henry Bartholmew, Mr John Richards, & Capť Joshua Hubbard be & shall be hereby appointed a comitte to auditt the Tresurers account, and make their returne of what they finde to the Court.

Capť Clarke,  
Mr Barthol-  
mew, & c<sup>o</sup>,  
comitte to au-  
dit y<sup>e</sup> Tr<sup>s</sup> acco<sup>t</sup>.

It was put to y<sup>e</sup> question whither y<sup>e</sup> order & penalty for importing of mault should take place from May last. It was resolved on y<sup>e</sup> affirmative.

Penalty for  
importing  
mault, to take  
place from May  
last.

\*Forasmuch as a thankfull acknowledgment of Gods mercjes, especially when they are bestowed in answer vnto prayers made on the behalfe, is a duty very much jncumbent vpon the people of God who haue made those supplications, and whereas it is most euident that the Lord hath given vnto us in this wildernes new & fresh occasions of prayses, and cleare demonstrations of his goodness, when at the latter end of this last summer, by reason of much wett weather, many of the most necessary fruites of the earth for releife of man & beast were in great hazard to be diminished, if not vtterly lost, the Lord was graciously pleased (imediately after a solemne day of prayer) to give such a suiteable season of dry & warme weather, (for some weekes,) that an abundant blessing was cast into the whole country thereby. And not only so, but the Lord our God hath also been intreated to continue vnto us our outward peace, notwithstanding the approach & success of enemjes vpon our neighbouring coasts. The serious consideration of these things hath mooved this Court (being engaged by way of duty vnto the Lord) to appoint & set apart the twentjeth day of November next to be kept as a day of thanksgiving vnto God, hereby inhibbiting all servile labours vpon that day, and do

[\*728.]

20 Nouember a  
day of thanks-  
giving.

1673.

15 October.  
Order to procure beds for y<sup>e</sup> workmen at y<sup>e</sup> Castle left to y<sup>e</sup> committee.

comend it vnto all the churches, elders, ministers, & people w<sup>th</sup>in this jurisdiction, solemnly & seriously to keepe the same accordingly.

In ans<sup>r</sup> to Cap<sup>t</sup> DAVIS proposall, that meet prouission be made for beds for the workemen at the Castle, that so losse of tyme may be prevented in going thither & returning home every night, it is ordered, that what is proposed is left & refer'd to the mannagement of the committee of the Castle, who are hereby impowred to make due prouission accordingly.

Ans<sup>r</sup> to Rich. Collecotts petition as to a Court to be kept at y<sup>e</sup> eastward, &c, July next.

In ans<sup>r</sup> to the petition of M<sup>r</sup> Richard Collecott, in behalfe of the inhabitants dwelling w<sup>th</sup>in our jurisdiction to the eastward, this Court doth heereby empower the Go<sup>v</sup>no<sup>r</sup>, w<sup>th</sup> fower or more of the Assistants, to appointe & impower constables in such places as they judg convenient, to prepare things in order to keeping a Court the third third day in July next, by such as the Court of Election shall appoint thereto, & the charge thereof to be discharged by the inhabitants.

Edmund Rise, now Hen. Rice, land layd out & confirmd, 50 acres of 52.

In obedience to tne order of the Generall Court, the 19th of October, 1652, wee, whose names are herevnder written, did lay out the mentioned tract of land vnto the within named Edmund Rise, about the yeare 1653, as wittnes our hands.

SYMON WILLARD,  
EDMUND GOODENOW.

The Court allowes & approoues of this returne.

Edmund Rice land layd out & confirmd of May, 1659.

Lajd out according to the order of the Generall Court, May the 11<sup>th</sup>, 1659, the farme of M<sup>r</sup> Edmund Rice, of Sudbury, in the place appointed by the Court, that is to say, first begining at a hill leaving Connecticut path on the north or northwesterly of it, and a brooke on the south of it, and two hills on the east, w<sup>th</sup> a great white oake and a little peice of meadow on the west, the wildernes also, fve acres of meadow being part of the sajd grant, lying neere to the east end of the sajd tract. This the 3d of June, 1659, by us who were appointed by the Court.

THOMAS NOYES,  
JOHN STONE.

Cambridge, October 15<sup>th</sup>, 1673.

Deacon John Stone, of Sudbury, being sworne, doe say that he was present w<sup>th</sup> Ensigne Thomas Noyes at the laying out of the aboue sajd land, and that they both subscribed their names thereto, as the returne to be made to the hono<sup>r</sup>d Court, before

THOMAS DANFORTH, Assistant.

The Court judgeth it meet to allow of the land lajd out as aboue 1673.  
appeares.

15 October.

The cornets place in the troop vnder the conduct of Thomas Wheeler being vacant, vpon a motion from the sajd troope to this Court for a supply, this Court hath chosen & appointed Henry Woodis, the p̄sent quart<sup>r</sup>master, to be cornet of y<sup>e</sup> sajd troope, & Corporall Willjam Hartwell to succeed the sajd Woody<sup>s</sup> in the quarter masters place.

Henry Wood-  
y<sup>e</sup> cornet, &  
W<sup>m</sup> Hartwell  
q<sup>r</sup>ter m<sup>r</sup> to Cap<sup>t</sup>  
Tho. Wheelers  
troope.

\*Vpon the request of Capt<sup>t</sup> John Tutle, he is dismist from that service, & Mr Eliakim Hutchinson is chosen & appointed lef<sup>t</sup> to y<sup>e</sup> Three County Troope in his roome. Att the request of the inhabitants of Rowley for the settlement of military officers, this Court hath chosen & appointed M<sup>r</sup> Samuel Bracklebanck for captaine, M<sup>r</sup> Phillip Nelson for leiftennant, and Serjant John Johnson for ensigne to the millitary company at Rowley.

[\*729.]  
Rouley mili-  
tary officers.

The millitary company of Dedham being destitut of com̄ission officers, the Court judgeth it meet to choose & appoint Ensign Daniell Fisher to be their captaine, Sarg<sup>t</sup> W<sup>m</sup> Avery leiftennant, & Nathaniel Sternes to be their ensigne.

Dedham mili-  
tary officers.

The millitary company of Groaten being distitut of millitary officers, the Court judgeth it meet to choose & appoint James Parker to be their captaine, W<sup>m</sup> Lakin to be leiftennant, & Nathaniel Lawrence to be their ensigne.

Groaten mili-  
tary officers.

This Court, hauing, by some of the honoured ouerseers of Harvard Colledg, received a narrative of the vncomfortable debates & motions at the sajd colledg lately happening, yet judge not meet at present to take the same into their cognizance, but, considering of what great moment it is that the worke be not obstructed, which, by divine blessing, hath been of so great advantage, doe declare that they highly approoue of the pious and dilligent endeavo<sup>r</sup>s & actings of the honored & reuerend ouerseers therein, and doe further com̄end it to their care & prudence (to whom it properly belongs) to promote a re-settlement and encouragement of that society, & that it be, from time to tyme, so inspected that it may, by the blessing of God, answer the cost & expectation of such whose hearts the Lord hath or shall mooue to bring up their children in those studdyes; likewise declaring, if this meanes shallbe ineffectuall, they shall, vpon all occasions, be ready to manifest their due resentment as to the obstructo<sup>r</sup>s hereof.

Courts resolu  
about y<sup>e</sup> presid<sup>t</sup>  
& fellows of  
Harvard Col-  
ledge.

Itt is ordered by this Court and the authority thereof, that all sorts of corne payd into the country rate this yeare shallbe at these prizes ffollowing, viz<sup>t</sup>: wheat at five shillings; barley, and barley mault, and rye at fower shillings p bushell; pease and Indjan at three shillings p bushell; all good and

A rate of 3 q<sup>r</sup>ts  
granted.  
Prizes of corne,  
to y<sup>e</sup> rate,  
wheat 5, barley,  
barley mault, ry,  
4 p<sup>r</sup> bush.,  
pease & Indjan  
at 3<sup>s</sup>.

1673.

15 October.

merchantable corne ; and whateuer els is payd into the country rate to be payd at money price, provided that no leane catle or horses is heereby intended. And it is further ordered, that if any person shall pay their country rate in money, they shallbe abated one fourth part of their said rates ; and for the defraying the charges of the Castle, it is heereby ordered, that there shall be levyed this present yeare one single country rate, w<sup>ch</sup> shallbe payd to such as are appointed to carry on the worke of the Castle, respect being had to the declaration made by the council in their order for a free contribution towards the same ; and that there be also rayased three quarters of a single country rate to be paid into the publicke Treasury, for the vse of the country, and that the port townes, promised their rates in 1672 towards ffortifications, be allowed their townes proportions in the said three quarters rates, to answer the said order.

Quobaugue a  
towneshipp  
named Brook-  
feild.  
Conditionall  
divission of  
lands there.

In ans<sup>r</sup> to the petition of the inhabitants of Quobaugue, the Court judgeth it meete to grant their request, i. e., the liberty & priuiledge of a towneshipp, and that the name thereof be Brookefeild, provided they divide not the whole lands of the towneshipp till they be forty or fluety families ; in the meane time that their dividings one to another excede not two hundred acres to any present inhabitant.

Ans<sup>r</sup> to Ruth  
Ellice peti<sup>o</sup>.

In ans<sup>r</sup> to the petition of Ruth Ellice, widow, of Dedham, humbly desiring to be enabled by this Court to sell a parcell of hir late husbands lands, vpland, nere to Meadfeild, for the maintenance & support of himself & three children, and that she & hir brother, Richard Ellice, may be enabled & impowred to give firme assurance of some lands that hir late husband sold & tooke payment for in his life time, on a second motion from the said widow, seconded by Mr Joseph Dudley & Ensigne Fisher, the Court grants hir peti<sup>o</sup>n.

[\*730.]

Middlesex &  
Yorks gen.  
trayni<sup>s</sup>.

\*Whereas the generall trayning in the county of Middlesex for this yeare having binn hitherto deferred by the pressing occasions of the country, and it being now so late in the yeare that the healths & liues of men may be endangered, this Court doeth therefore order, that the said regimentall exercise be suspended this yeare, and the major of the said regiment is hereby ordered to attend the said exercise the next ensuing yeare, at such time as he shall judge most convenient ; and the generall trayning in the county of Yorke to be attended as the law directs notwithstanding.

Artillery grant  
of 1000 acres  
laid out.

Artillery of Boston, their farme laid out September 11<sup>th</sup>, 1673, one thousand acres of vpland & meadow, and is from a red oake tree marked A, by a gully side, on the banke of Merrimake Riuer, on a streight ljne, wesb: south, one mile and three quarters, by marked trees, vnto a pine at B, by a

meadow called Spectacle Meadow ; from B to C, and about the meadow to D, taking in those two first patches of meadow, w<sup>ch</sup> meadow is estimated at thirty acres ; from D to E, by the brooke called Specticle Brooke, which brooke runs into Nashaway Riuer ; from E to F, by Nashaway or Watananock Riuer into Merrimak Riuer. The Court doeth approove of this returne, and doe further grant the artillery company, as an addition, the quantity of five hundred acres more, y<sup>r</sup> grant being aboue thirty yeares since, provided that the five hundred acres be lajd out in some convenient place next adjoyn̄g to the plantation now granted.

1673.

15 October.

500 more added.

In ans<sup>r</sup> to the petiçōn of the inhabitants of Wollonopaug, the Court judgeth it meet to give the petiçōners all due encouragement conduceable to their settlement, together w<sup>th</sup> the present minister, according to their desires ; and to that end doe heereby grant them all the libertjes & priviledges of a touneship, their extent to be as by agreement betweene Dedham & them, and that it be called Wrentham ; and for the better carrying an end of their prudentiall affaires, together w<sup>th</sup> what els may occurr tending to advance a plantation there, doe hereby appoint & empower Cap<sup>t</sup> Hopestill Foster, M<sup>r</sup> Willjam Parks, & Cap<sup>t</sup> Daniel Fisher to be a co<sup>m</sup>ittee to joyne w<sup>th</sup> any such two of them as shall from tyme to tyme be chosen, and what they or the major part of them shall doe in any the respects aboue mentioned to be vallid, and their power to continue till the Court take further order therein ; and further, doe also grant that they shallbe free from all country rates for fower yeares now next ensuing.

17 8 mo., 73.  
Wrentham.  
Woollonopauge a toun-  
ship called  
Wrentham.

A co<sup>m</sup>ittee.

In ans<sup>r</sup> to the complaint & petiçōn of M<sup>r</sup> John Oxenbridg, M<sup>r</sup> James Allin, & M<sup>r</sup> Anthony Stoddard, the Court judgeth it not meet to grant their request, the case, as stated by them, having neuer binn heard in any inferior Court.

An<sup>r</sup> to M<sup>r</sup>  
Oxenbridge,  
&c., petiçōn or  
compl<sup>t</sup>.

In ans<sup>r</sup> to the petition of Richard Foxwell & Richard Comins, craving the Courts favo<sup>r</sup> to order a co<sup>m</sup>ittee vpon the place where they dwelle to heare the allegations on both sides, the Court judgeth it meet to grant their request, and doe heerby nominate and appoint Cap<sup>t</sup> Richard Walderne, M<sup>r</sup> George Monjoy, M<sup>r</sup> Roger Plajsted, Cap<sup>t</sup> John Wincoll, & M<sup>r</sup> Edward Rishworth, or any three of them, Cap<sup>t</sup> Walderne being one, who are heereby impowred to sumōn all persons concerned before them, and to heare & examine, vpon oath, such wittnesses as cann testify in the case, giving due notice before hand of the tyme of their meeting, and what they shall finde in the case to make a true report thereof to the next Court of Election, that so all matters of differences may be setled by this Court, and Cap<sup>t</sup> Walderne to appoint tyme & place of meeting, & M<sup>r</sup> Rishworth is heerby impowred to grant out warrants to all partjes concerned accordingly.

An<sup>r</sup> to Fox-  
well & Comins  
petiçōn.

1673.

17 October.  
Ans<sup>r</sup> to Tho.  
Parkes peti-  
tion.

[\*731.]

Courts grant-  
ing M<sup>r</sup> Jn<sup>o</sup>  
Paynes request  
to runne the  
southern l<sup>ine</sup>  
to Hudsons  
Riuer.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of Thomas Parks, the Court judges it meete to grant the peti<sup>ti</sup>oner a hearing of the case petitioned for on the first third day of the weeke after the next election, he, the sajd petitioner, giving notice to all persons concerned to attend the issue.

\*In ans<sup>r</sup> to the motion or request of M<sup>r</sup> John Payne, humbly desiring this Court to order the runing of their southerne lyne to Hudsons Riuer, engaging, if this honoured Court shall, in their wisdome, thinke fitt to strengthen him by their authority, y<sup>t</sup> he will faithfully & vigorously endevo<sup>r</sup> an effecting thereof by persons that may be approoved of by the hon<sup>ble</sup> Go<sup>vr</sup>no<sup>r</sup>, or by such a co<sup>m</sup>itte<sup>e</sup> as this honoured Court shall appoint, w<sup>th</sup>out any charge to the colony but what the hono<sup>r</sup>ble Ge<sup>n</sup>l Court shall judge a meet grattification in land to those persons that shallbe at the charge and paynes thereof, the Court judgeth it meet to grant the request aboue written.

Ans<sup>r</sup> to Marl-  
borough pe-  
tions.

Co<sup>m</sup>itte<sup>e</sup> for  
Marlborough,  
their power,  
&c.

The Court, having read & considered the petitions from Marlborough, doe judge meet to respitt any answer to them vntill the co<sup>m</sup>itte<sup>e</sup> for that toun<sup>e</sup> haue made their returne; and doe heereby more particularly declare, that the sajd co<sup>m</sup>itte<sup>e</sup> are by their co<sup>m</sup>ission invested w<sup>th</sup> full power in difficult cases to make æquitable allowances out of the co<sup>m</sup>on vndivided lands by way of satisfaction to any person wanting his due proportion granted by the toun<sup>e</sup>, and for the issuing of such differences wherein they cannot finde a more ready & just way of composing them; and in the meane t<sup>ime</sup>, vntil this Court take further order, if any person shall presume to act contrary to the determinations of the co<sup>m</sup>itte<sup>e</sup>, they must expect to be proceeded against as contemners of the authority of this Court.

Ans<sup>r</sup> to Mary  
Stowers peti-  
tion.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of Mary Stowers, it is ordered, that the peti<sup>ti</sup>oner & administratrix to Joseph Stowers estate shallbe & hereby is empowred to make & seale a firme deede of sale vnto Robert Carter of the three acres & a quarter of land, as in the sajd petition is exprest.

Ans<sup>r</sup> to cap<sup>t</sup> of  
y<sup>e</sup> Castles pe-  
tion.

In ans<sup>r</sup> to the proposalls of Cap<sup>t</sup> Roger Clap, cap<sup>t</sup> of the Castle, the whole Court, hauing heard the case, reffer the consideration and answer thereof to the co<sup>m</sup>itte<sup>e</sup> of the Castle, to giue such farther orders and directions therein as they shall see meet.

Peach & Harts  
case deter-  
mined.

Ans<sup>r</sup> to the pe-  
tion of Tho.  
Bratle, James  
Parker, &c, a  
new plantation  
gr<sup>anted</sup> them  
about Groaton,  
called Dunsta-  
ble.

In ans<sup>r</sup> to the peti<sup>ti</sup>on of John Peach, and on a hearing of the partjes concerned, the Court judgeth it meet to order, that possession of the house & land in the hands of Jonathan Harte be given to John Peach, to enjoy to him & his heires according to his former deed, & costs of this Court, Ipswich Court excepted, in all sixe pounds fueteen shillings.

In ans<sup>r</sup> to the petition ^ M<sup>r</sup> Thomas Brattle, James Parker, Jonathan Tyng, Willjam Lakin, in behalfe of themselues & others joyning in their

humble petition, to desire the favour of this Court to grant them liberty to settle a plantation w<sup>th</sup> their farme, and a considerable tract of land belonging to the country being environed w<sup>th</sup> the proprietjes of particcular persons & townes, as by the l<sup>j</sup>ne of Chelmsford, and by Groaten lyne, and by M<sup>r</sup> Brentons farme, by Souhegon farmes, and beyond Merrimack Riuer by the outermost l<sup>j</sup>ne of Henry Kemballs farme, & so to Chelmsford l<sup>j</sup>ne againe, as also such imūnitjes to the plantation as this Court haue formerly granted to other new plantations, the Court judgeth it meete to grant their requests, provided that a farme of five hundred acres of vpland & meadow be lajd out of this tract for the countrys vse, and that they proceed in setling the plantation as to finish it once within three yeares, & procure & mainteyne an able & orthodoxe minister amongst them.

1673.

17 October.

The co<sup>m</sup>itte<sup>e</sup> of the Generall Court appointed to auditt the Tresurers accōt, hauing examined the same, declared that they finde on ballanc there is due to the Tresurer one hundred & eight pounds seven shillings & nine pence, in w<sup>ch</sup> account they declare y<sup>t</sup> there is sixteen pounds ten shillings allowed, paid the secretary for extraordinary publike writtings, w<sup>ch</sup> they left to the Court to determine. The Court allowes & approoves of the returne of y<sup>e</sup> co<sup>m</sup>itte<sup>e</sup>, and accept of the accōt, and allow the sixteen pounds ten shillings to the secretary.

Tresurs account auditted.  
Secr<sup>t</sup> allowance  
for publk writings, &c.

M<sup>d</sup>. Write M<sup>r</sup> Vsher. Whereas in last acco<sup>t</sup> there was due in England in Cap<sup>t</sup> Peirc<sup>s</sup> hand 144 10, there is draune off by y<sup>e</sup> co<sup>m</sup>itte<sup>e</sup> 44 10<sup>s</sup>; so rests due one hundred pounds.

\*The Court, hauing appointed & sett a day for the hearing of the case of Theoder Atkinson, Ju<sup>n</sup>, being bound ouer to this Court, & John Willjams, bound to prosecute the partjes, appearing, & duely heard, it was put to the quæst<sup>n</sup> whither, vpon all circumstances in the case of Theoder Atkinson, he be justiffiable in what he did, in the capacity he was in, by taking such possession of the house. It was resolved on the negative.

[\*732.]

Courts resolue  
in Atkinsons  
case.

Three hundred acres of land belonging to Left Richard Beers, granted by the Generall Court, and joynes to M<sup>r</sup> Georg Broughtons land, lying neere Douer, according to this platt, A B C D A, lajd out by me,

Left Beers 300  
acres lajd out.

RICHARD WALDERNE.

The Court approoves of this returne. Y<sup>e</sup> plat is on file

Cap<sup>t</sup> Thomas Clarke was chosen sarjant major to the regiment of Suffolke by y<sup>e</sup> whole Court giving in their votes by papers.

Cap<sup>t</sup> Clark s<sup>t</sup>  
major of Suffolke.

This Court was adjourned to the 6<sup>th</sup> of January.

1673. *\*Att a Speciall Generall Court, called by Order of the Council, ana  
assembled together in Boston, 10<sup>th</sup> December, 1673.*

10 December.

[\*733.]

PRESENT, Jn<sup>o</sup> Leueret, Esq<sup>r</sup>, Go<sup>v</sup>,  
Saml Symonds, Esq<sup>r</sup>, Dep<sup>t</sup> Go<sup>v</sup>.  
Symon Bradstreet,  
Daniell Gookin,  
Daniel Dennison,  
Symon Willard,  
Rich Russell,  
Thō Danforth,  
Edw Tyng,  
W<sup>m</sup> Staughton,  
Thomas Clarke, Esq<sup>s</sup>.

The names of y<sup>e</sup> deputjes returned to sitt, & sat at y<sup>e</sup> Court, were, —

AT the opening of this Court, the whole Court being mett together, the Go<sup>v</sup>no<sup>r</sup> acquainted the Court w<sup>th</sup> the grounds of the councill actings in refferenc to their endeavo<sup>r</sup>s to preserve this colony in peace, and w<sup>th</sup>all seuerall letters coming to his hand, directed to him, to be co<sup>m</sup>unicated to the council, from the go<sup>v</sup>no<sup>r</sup> & council at Conecticott; the one bearing date from Hartford, 26 of Nouember last, the other of 29<sup>th</sup> of y<sup>e</sup> same month, both informing of the threats & insolvency of Mouns<sup>r</sup> Colne, & the Dutch w<sup>th</sup> him at New York; both letters were read, as also one from Pljmouth. Also, a letter from Mounseur Colne, of their taking fower of our catches, & sending the men home. The letters are on file. The Court returned an ans<sup>r</sup> to our con<sup>f</sup>ederates at Conecticott, as also to Plymouth; the like all w<sup>ch</sup> are on file.

Vppon the Courts consideration of the whole, judged & declare that God doth call them to doe something in a hostile way for their oune defence.

A ship & ketch  
to be fitted.

It is ordered, that there shallbe forthwith a ship fitted forth for the deffence of our coast & vessells, and that the ship Anthony, formerly ordered by the councill to be fitted for this service, shallbe the ship; as also that there be added one smale ketch alike fitted out to attend that service.

170 foot souldjers, besides  
troopers, to be  
listed & in a  
readines for  
service ag<sup>t</sup> y<sup>e</sup>  
Dutch.

Itt is heereby ordered by this Court and the authority thereof, that there be forthwith impressed and l<sup>j</sup>sted in the regiment of Suffolke one hundred and seuenty foote souldjers, in the regiment of Essex one hundred, in the regiment of Midlesex one hundred, in the regiment of Norfolke & Douer eighty,

in the regiment of Yorkshire ffty, and in the regiment of Hampshire sixty; and moreouer in the troope of Suffolke & Rumneymarsh thirty troopers, in the troopes of Essex thirty, and in the troopes of Midlesex thirty, in the troope of Norfolke ten, and in the troope of Hampshire ten; all the which souldjers are to be impressed, lsted, & armed by the order of the comittees of militia of the seuerall tounes, by order of the mayo's of the seuerall regiments, in reference to the numbers to be rased in the particcular companyes & troopes. And it is further ordered, that the sajd listed souldjers & troope's shall be vnder the comand & conduct (in any expeditions out of the colony) of Daniel Dennison, Esq, sarjant major, comander in cheiffe; and that all the horse so listed be vnder the comand of C. D.; and that the ffoot souldjers of Suffolke be in two companyes, vnder the comand of E. F. & G. H.; & that the ffoote souldjers of Essex be in one company, vnder the comand of J. L., as capitaine; those of Midlesex vnder the comand of M. N., and those foote souldjers of the three other regiment be vnder the comand of O. P. And it is further ordered, that the souldjers be forthwith impressed & listed as abouesajd, & remajne vnder their present comanders at all times but when they shall be called out to service as aforesajd; and that a lyst of the names of the souldjers, horse & ffoote, be with all speed transmitted to the comanders abouesajd respectively, and that the forces abouesajd be forthwith in a readines to march vpon the comand of .

1673.

10 December.

The Court, hauing binn informed that there is one Robert Stone, master of a vessell, is lately come from New Yorke, & arrived at Salem, doe judge it necessary, in order to the present affaire vnder consideration, that the sajd Stone, together w<sup>th</sup> M<sup>r</sup> Hollingsworth, who was lately taken by the Dutch, be forthwith sent for, by order of this Court, by the secretary, that the Court from them may receive such information as y<sup>e</sup>y can give.

\*In ans<sup>r</sup> to the humble petition of John Smyth & Edmond Cooke, mariners, of the late ship Antonio, of Portingall, being vnder the sence of their just demerits condemned to dye, most humbly supplicating this Courts favour, the Court judgeth it meet to take of that sentence of death which they lye vnder, and doe heereby grant them a ffull & free pardon; on w<sup>ch</sup> a warrant issued out to the keeper of the prison for their release & discharge.

[\*734.]

Ans<sup>r</sup> to Smiths & Cooks petition.

Smiths &amp; Cookes pardon.

The Court resolved by their voate, that they would take into consideration the case as it relates to those that tooke the ship at Nantucket, so farr as it concernes this Court to deale in before they breake vp.

Courts resolue to take into consideration y<sup>e</sup> case of ship Expectation.

The Court, hauing heard the seuerall petitioners reclaymers, relating to a ship brought from Nantucket into this harbour, declares that they judge it not convenient to proceed to a iudication of the sajd ship in this Court.

Courts resolue not to iudicate y<sup>e</sup> s<sup>d</sup> ship.

1673.

10 December.

This Court, vpon the hearing the petiçõs of Joseph Dudson, Isaack Molyne, John Alden, and Willjam Darrell, having determined not to heare their cases, for that the case in which they petition hath arisen from matters acted without the jurisdiction of this Court, at Nantucket, and haue binn vnder the cognizance of New Plymouth gouernment; also, yet fforasmuch as the complaynants and petiçõners doe all proffess themselues to be his majestjes subjects, and for that the goods brought in the shippes by the said Joseph Dudson are proper for the market in England, doe therefore declare, that the said Dudson hath liberty to fitt the said ship for England, and is hereby ordered to carry the said ship for England vnto some of his majestjes Courts of Admiralty there for tryall, where all persons concerned may haue a ffull hearing of their case.

This Court is adjourned to the morrow fortnight, being 6<sup>th</sup> January next, at one of the clocke in the afternoone.

1673-4.

6 January.

*The 6<sup>th</sup> of January, 1673.*

PRESENT, Jn<sup>o</sup> Leueret, Esq<sup>r</sup>, Go<sup>o</sup>,  
 Samuel Symonds, Es<sup>r</sup>, D. G<sup>o</sup>.  
 Symon Bradstreet,  
 Daniel Gookin,  
 Richard Russell,  
 Th<sup>o</sup> Danforth,  
 Jn<sup>o</sup> Pynchon,  
 Edw<sup>o</sup> Tyng,  
 W<sup>m</sup> Staughton,  
 Th<sup>o</sup> Clarke.

The deputjes present at the last Court.

Capt<sup>r</sup> Josh Hubbard Speaker for y<sup>s</sup> session.

THE Court mett about the time.

Whereas the publick occasions of the country doe frequently require that messengers be sent post, and, as yet, no stated allowance settled in such cases, it is ordered by this Court & the authority thereof, that from henceforth euery person so sent vpon the publicke service of the country shallbe allowed by the Treasurer after the rate of three pence a mile to the place to which he

is sent, in money, as full satisfaction for the expence of horse & man ; and no inholder shall take of any such messenger or others travayling vpon publicke service more then two shillings p bushell for oates, and fower pence for hay, day & night.

1673-4.

6 January.

It is ordered by this Court & the authority thereof, that henceforth all cases of admiralty shallbe heard and determined by the Court of Assistants, and to be issued by the bench w<sup>th</sup>out a jury, vnless the Court shall see cause to the contrary, provided allwayes this act shall not be interpreted to obstruct the just plea of any marriner or merchant impleading any person in any other Court vpon any matter or cause that depends vpon contract, couenant, or other matter of comon æquity in marritine affayres, to be issued according to the knoune lawes of this colony.

\*The Court, vnderstanding that the word impressing of men in the seuerall regiments expressed in the late order, made the last session for soldiers to be fitted and in readynes to attend the countrys service for deffence against the comon enemy, is diuersely interpreted and vnderstood by the majors & comittees of militia, for explanation thereof, it is ordered by this Court and authority thereof, that this Courts intention is no more then this, — that so many able persons are to be lysted and fitted w<sup>th</sup> fire armes, & required to be in a readjness at all warnings to attend the service of the country vnder such officers as shallbe appointed by authority to conduct them in that service they shall be called vnto.

[\*735.]

Order explicat-  
ing the word  
listed.

In ans<sup>r</sup> to the petition of Thomas Matson, prison keeper, the Court judgeth it meet to order, that a new dwelling house for the keeper of the prison be built & finished w<sup>th</sup>all possible conveniency, and that the honoured M<sup>r</sup> Edward Tyng, M<sup>r</sup> Anthony Stoddard, & M<sup>r</sup> Willjam Parke be a comittees appointed & fully impowred by this Court to treat & conclude w<sup>th</sup> workemen, and to order all necessary materialls, w<sup>ch</sup> shall be defrayed at the charge of the country & county, one third by the Treasurer of the county, and the other two thirds by the Tresurer of the country, as hath binn vsuall in former times.

Ans<sup>r</sup> to Tho.  
Matsons peti-  
con.

The Court, hauing taken into consideration the late order made the last sessions touching the ship to be sent to England for trjall, for some weighty reasons haue thought meet, and doe therefore heereby declare the sajd order to be null & voyd.

The company vnder the comānd of Cap<sup>t</sup> W<sup>m</sup> Hudson, in Boston, being destitute of a leiftennant, the Court, judging it necessary that a supply be made, haue appointed John Hull to be leftennant vnder the sajd cap<sup>t</sup> to that company, and Sarjant Richard Woody to be ensigne to the aforesajd company

1673-4. in the roome of the said John Hull, and that commissions be granted them accordingly.

6 January.

The millitary company of Meadfeild wanting a leiftennant, the Court, judging it necessary that a supply be made, haue appointed Serjant Henry Addams to be their leiftennant, and that commission be given him according to lawe.

In ans<sup>r</sup> to the petition of Richard Hollingsworth, the Court judgeth it meet to grant the petiçoner five hundred acres of land where he can find it free from any former grant.

This Court was adjourned to the second Wednesday in March next, at one of the clocke in the afternoone.

11 March. \**Att the third Sessions of the Speciall Generall Court, held at*  
[\*736.] *Boston, on their Adjournment, 11<sup>th</sup> March, 1673-4.*

PRESENT,	Jn <sup>o</sup> Leueret, Esq <sup>r</sup> , Go <sup>v</sup> l,	
	Sa <sup>m</sup> Symonds, Esq <sup>r</sup> , Dep <sup>t</sup> Go <sup>v</sup> l.	
	Daniel Gookin,	} Esq <sup>rs</sup> .
	Daniel Dennison,	
	Rich Russell,	
	Th <sup>o</sup> Danforth,	
	W <sup>m</sup> Hawthorne,	
	Edward Tyng,	
	W <sup>m</sup> Staughton,	
	Th <sup>o</sup> Clarke,	

The deputjes were the same as at y<sup>e</sup> 1<sup>st</sup> session.

**A**LTHOUGH the Court, after much & serious consideration of the condition of those colonjes, in refference to the actions of the Dutch at New Yorke, haue thought it most advizeable to expect such further intelligence as might direct to such resolutions as most conduce to the prosperity of ourselues & neighbours, yet wee cannot but judge it necessary, for the vindication of the hono<sup>r</sup> & reputation of ourselues and nation, & to secure our peaceable trade in the Sound, that a vessell or two, w<sup>th</sup> about one hundred men, armed & æquipped as a ship or shippes of warr, be jmediately set out to repress the insolence of the Dutch in the Sound, who are, w<sup>th</sup> an inconsider-

able force there, trjumphing to the amazement & affrightment of our ffreinds, 1673-4.  
 who by such an appearance will be comforted, &, wee hope, the enemjes dis-  
 couraged ; and yet ourselues & confœderates, not any more engaged then wee  
 are at present, being executed by such instructions as may be giuen for the  
 conduct of that affaire, the whole mannagement whereof is comitted to the  
 Gouino<sup>r</sup> & council, & the charge to be borne according to the articles of con-  
 fœderation.

11 March.

The Court, hauing perused the declaration of Joseph Dudson, Faire-  
 weather, Wharton, & Paige, presented to this Court in December last to vin-  
 dicat their proceedings in taking the ship at Nantucket, doe finde many  
 expressions therein that are deeply reflecting vpon the authority of this Court,  
 & vpon seuerall members of it, as will appeare by a collection draune out of  
 the sajd declaration, w<sup>ch</sup> is on file, in order to the justiffication of the Court, &  
 to beare due testimony against the boldnes of the aforeſd person, doe order &  
 appoint M<sup>r</sup> Richard Russell, M<sup>r</sup> Thomas Danforth, Majo<sup>r</sup> Thomas Clarke, M<sup>r</sup>  
 Jn<sup>o</sup> Richards, Cap<sup>t</sup> Foster, Cap<sup>t</sup> Daniel Fisher, M<sup>r</sup> Humphry Dauy a comitte  
 to inquire into and consider of what is proposed, making their report to the  
 next Generall Court of what they shall finde therein.



# MISCELLANEOUS RECORDS.



# MASSACHUSETTS RECORDS.

## MISCELLANEOUS ENTRIES CONTAINED IN PART SECOND OF THE FOURTH VOLUME OF RECORDS.

### *Freemen of the Colony of the Massachusetts Bay in New England, 1663—1674.*

[The following lists contain the names of those who took the freeman's oath, and that are entered in the margins of that portion of the fourth volume which is comprised in this. They are in the handwriting of Secretary Rawson. Names of other persons who took the oath will be found printed in the preceding pages of this volume.]

\*The names of the seuerall persons that tooke the freemans oath [27  
May, 1663] were, —

1663.

27 May.

[\*416.]

M <sup>r</sup> Jn <sup>o</sup> Croad,	Jn <sup>o</sup> Stratten,	Nath: Hutchinson,
Charles Gott,	Rob <sup>t</sup> Harrington,	Marke Batchiler,
Exercise Connant,	Nath: Holland,	Dani: Pearse,
Samuel Champneys,	Rob <sup>t</sup> Twelues,	Jos: Ellis,
Jonathan Hide,	Jn <sup>o</sup> Ruggles,	W <sup>m</sup> Toy,
Zeck: Hicks,	Jn <sup>o</sup> Thirston,	Laurenc Waters,
Abr: Holman,	W <sup>m</sup> Clough,	Tho: Collier.

\*Y<sup>e</sup> seuerall psons vnderwritt, returnd by cirtificats from the seuerall minsters & selectmen, were, by publick sufferage of both Magis<sup>ts</sup> & Deputjes, admitted to freedome, & tooke their oathes accordingly, [3 May, 1665.]

1665.

3 May.

[\*463.]

Sal. : Cap <sup>t</sup> Georg Corwin,	James Broune,	Nath: Reynolds,
John Endecott,	Phillip Cromwell,	Benj: Thirston,
Zerubbabl. Endecott,	Rich: Hollingsworth,	John Toppan,
Eliazer Hawthorne,	Edw: Humber,	Francis Bacon,
John Corwin,	Joshua Rea,	Nath: Greene,
W <sup>m</sup> Broune, Jun.,	Xtopher Babridge.	Humphry Dawy,
Jn <sup>o</sup> Putman,	Bo. : Georg May,	James Alljn,
Joseph Porter,	Joseph Belknap,	Abijah Sauage,
Rich: Leech,	Amos Richardson,	Henry Taylor,
Sam: Eburne, Sen.,	Tho: Joy,	Tho: Vnderwood,
Jn <sup>o</sup> Rucke,	Deane Winthrop,	W <sup>m</sup> Hazzey,

1665.	Benj: Muzzey,	Wat. : Isak Sternes,	*James Heildrick.
3 May.	Tho: Hoole,	Jn <sup>o</sup> Stone.	Gloc. : Herlakenden Sy-
[*464.]	Hen: Messenger.	Camb <sup>r</sup> : Steven Willoues,	mons.
	Dor. : Jn <sup>o</sup> Minot,	Jn <sup>o</sup> Marret,	Marbh. : Sam: Ward.
	James Minot,	Georg Cooke,	Mald. : Stephen Pajne,
	Stephen Minot,	James Trowbridg,	Peter Tuffs,
	Dani: Preston,	Jn <sup>o</sup> Grout,	Port. : Rich: Cutts,
	David Jones,	Joseph Esterbrooke.	Jn <sup>o</sup> Gold,
	W <sup>m</sup> Weekes,	Haue. : Nath. Saltonstal.	Tho: Baker.
	Edw: Blake,	Chelm. : Edmo: Cham-	Newb. : Shubal Dumer.
	Jn <sup>o</sup> Blackman.	berlaine,	Sudb. : Tho: Steevens.
	Lanc. : Jn <sup>o</sup> Lewis.	Jn <sup>o</sup> Wright,	Rox. : Ri: Meade,
	Spr. : Georg Colton.	Jn <sup>o</sup> Stevens,	Edmo: Eddenden,
	Br. : Edm <sup>o</sup> Quinsey.	Jn <sup>o</sup> Martin,	Tho: Eames.

1666. \*Persons admitted to ffreedome by y<sup>s</sup> Court [23 May, 1666] were, —

23 May.	Mr Joseph Cooke, Cambr.	Ben: Bosworth.	W <sup>m</sup> Cheny, Rox.
[*562.]	Daniel Wellow,	Jn <sup>o</sup> Cole, Sen., Had.	Jn <sup>o</sup> Moore,
	Jn <sup>o</sup> Swayne,	Joseph Baldwin,	Tho: Foster,
	Jn <sup>o</sup> Addams,	Franc: Bernard,	W <sup>m</sup> Lyon.
	Tho: Broune,	Phillip Russell.	Jn <sup>o</sup> Kingman, Wey.
	Tho: Phelabroune,	James Bapson, Glo.	Sam: Pratt,
	Tho: Cheny,	W <sup>m</sup> Kerly, Marl.	Sam: White,
	James Hubbard.	Edmo: Gale, Sale.	Jn <sup>o</sup> Vining,
	Rob <sup>t</sup> Ayer, Hauer.	Sam: Moody, Newb.	Tho: Bayly,
	Tho: Ayer,	Caleb Moody.	James Nash,
	Peter Ayre,	Isack Butter, Med.	Jacob Nash.
	Tho: Whittier,	Nicho: Rocket.	Laurence Hamond, x
	James Daus,	Benja: Gibbs, Bost.	Rob <sup>t</sup> Coxe, Bost.
	Jn <sup>o</sup> Dow,	Abr: Willjams, Marl.	Hugh Amos.
	Tho: Lillford,	Nath: Weare, Hamp <sup>t</sup> .	Moses Fiske, Dov.
	Sam: Converse, Wob.	Hen: Paige.	Peter Coffyn,
	Jn <sup>o</sup> Benjamin, Wat <sup>r</sup> .	Rob <sup>t</sup> Vose, Milt.	Jn <sup>o</sup> Woodman,
	Edw: Allen, Bost.	Antho: Gullifer.	Jn <sup>o</sup> Daus,
	Jn <sup>o</sup> Bracket,	Nicho: George, Sen.,	Jn <sup>o</sup> Martjn,
	Joseph Daus,	Dorch.	Antho: Nutter,
	Seth Perry,	Obadiah Hawes,	Tho: Roberts,
	Tho: Fitch,	Jn <sup>o</sup> Capen, Juni.,	Tobias Daus,
	Sam: Norden,	Tho: Priest,	Tho: Eaton.
	Georg Many,	Rob <sup>t</sup> Spurr,	Hav. : Jn <sup>o</sup> Johnson,
	Edmo: Eddington,	Tim <sup>o</sup> Tileston,	Jn <sup>o</sup> White.
	Tho: Matson, Jun.	Jn <sup>o</sup> Gill,	Elish: Hutchinson, x
	Jn <sup>o</sup> Batchelor, Red.	Tho: Swift, Jun.,	David Saywell,
	Edw: Burns, Hñg.	Ezra Clap.	Eph: Turner,

Jn <sup>o</sup> Turner,	Jn <sup>o</sup> Broune,	Hampt. : W <sup>m</sup> Marston,	1666.
Caleb Watson,	Jn <sup>o</sup> Samborne,	Hen: Dow.	<u>23 May.</u>
Jn <sup>o</sup> Crow,	Nath: Batchelor.		

\*Made ffree at this Court & admitted to ffreedom by vote of y<sup>e</sup> whole Court, [29 April, 1668.] 1668.  
29 April.  
 [\*600.]

Mr James Russell, Charls	Jn <sup>o</sup> Ingersoll,	Nath: Handcock,
Toune.	Jn <sup>o</sup> Pease.	Sam: Hastings,
Jn <sup>o</sup> Heyman,	Jn <sup>o</sup> Dodge, Sen, Bass	Jn <sup>o</sup> Addams,
Nathani: Rand,	Riuer.	Thom: Broune.
Peter Frothington,	Nath: Stone,	Nath: Smith, Hauerill.
John Louden.	Peter Woodbury,	Steven Dow,
Jn <sup>o</sup> Benjamin, Water	Ephrajm Herrech.	Robert Emerson.
Toun.	W <sup>m</sup> Peelsbury, Newbery.	Ralph Holton, Lancs <sup>tr</sup> .
Nath: Coolidge,	James Ordaway,	Henry Kerly,
Jonath: Whitney,	Nath: Clarke,	James Fowle, Wooborne.
Jonatha: Broune.	Tristram Coffin.	Benj: Bullard, of Mead-
Symon Stacy, Ipsuich.	Henry Leonard, Lynn.	feild.
Jn <sup>o</sup> Whiple.	Nehemiah Jewet.	Sam: Gary, of Rocksbury.
Tho: West, Salem.	Tho: Call, Jun, Maulden,	Tho: Philbrick, Hampton.
Henry West,	James Nicholls.	Sam: Wadsworth, Milton.
Samuell Archard,	Tho: Hall, Cambridge.	Sam: Smith, North
Jn <sup>o</sup> Massey,	Tho: Philebroune,	Hampton.
W <sup>m</sup> Dounton,	Jn <sup>o</sup> Swan,	Jn <sup>o</sup> Farrington, Dedham.

\*Persons admitted to ffreedom by this Court, [19 May, 1669,] & those y<sup>t</sup> tooke their oaths are set doune first, y<sup>s</sup> y<sup>t</sup> tooke it not are vnd y<sup>e</sup> line. 1669.  
19 May.  
 [\*629.]

Mr Tho: Deane,	James How,	Jn <sup>o</sup> Roberts,
James Whetcombe,	Mr Jn <sup>o</sup> Dauenport, Jun,	Jn <sup>o</sup> Gorton,
Daniel Turill,	Jn <sup>o</sup> Prescott,	James Kent, Newb.
Sam: Norden,	Rich: Wheeler,	Jn <sup>o</sup> Kent,
Jn <sup>o</sup> Mosse,	Jn <sup>o</sup> Moore,	Jn <sup>o</sup> Bartlet, Jun.,
Joseph Parsons,	Jn <sup>o</sup> Rugg,	Jn <sup>o</sup> Wells,
Jn <sup>o</sup> Gidney,	Jn <sup>o</sup> Fletcher,	Abiel Somersby,
Barthol: Gidney,	Joakim Harvey,	Henry Jacquish,
Sam: Cheeuers,	Tho: Daniel,	Benja: Lowell,
Jn <sup>o</sup> Pickering,	W <sup>m</sup> Vauhan,	John Bayly,
Joseph Grafton,	Rich: Cumings,	Sam: Perly,
Jn <sup>o</sup> Hastings, of Cambř.	Henry Deering,	Nehemiah Abbot,
	Jn <sup>o</sup> than Wade, Jun.,	Georg Lyon,
Mr Jn <sup>o</sup> Dauenport, Sen,	Jn <sup>o</sup> Conney, sworn July,	Ezra Clap,
Mr Jn <sup>o</sup> Shearman,	69.	Ebenezur Clap,
Mr Sam: Torrey,	Moses Bradford,	Tho: Gunn,
Mr Rich: Hubbard, &	Sam: Mason,	James Cornish,

**1669.**

19 May.

[\*630.]

Jn<sup>o</sup> Roote,

Tho: Farnum,

Jn<sup>o</sup> Steephens,Jn<sup>o</sup> Fry,

Steven Osgood,

Georg Abbat.

W<sup>m</sup> Chandler, Andi.

Andrew Foster,

Jn<sup>o</sup> Maxwell,

Lawrenc Willis,

W<sup>m</sup> Greenough,

Benj: Gage.

Jn<sup>o</sup> Bayly, Newb.

Nath: Hancock.

Jn<sup>o</sup> Bayly, of Rouley,

Mathew Edwards.

Jn<sup>o</sup> Keepe, Spr.

Isack Graues, sworn,

Henry Jacquish,

Benj: Kelly,

Jn<sup>o</sup> Hastings,

Boaz Broune,

Ezek: Jewet,

Antho: Austin,

Jn<sup>o</sup> Kelly,

Benja: Rolfe,

Thomas Wiggin,

\*John Hastings,

Ezekel Jewet,

Antho: Austin,

Benj: Gage,

John Kelly,

Benj: Rolfe.

**1670.**

11 May.

[\*651.]

\*The names of such persons as were, by this Court, admitted to freedome,  
[11 May, 1670.]

Chars.: Mr Jn<sup>o</sup> Chicker-  
ing,

Daniel Edmonds,

Tho: White,

Abraham Smith,

Sam: Peirce,

Joseph Frost,

Tho: Chadwell,

Sollomon Phipps, Ju.,

Joseph Kettle,

Sam: Kettle,

W<sup>m</sup> Symonds.

Woo.: Roger Kemicot,

Tho: Green.

Bill.: Jn<sup>o</sup> Baldin,

Samuell Maning,

John Bracket,

Bost.: Mr Jn<sup>o</sup> Oxenbridge, W<sup>m</sup> Webster.

Henry Tompson,

Adam Niccolls.

Groton: Mr Sam: Willard,

W<sup>m</sup> Lakin,

Mathyas Farnworth,

Tho: Patch.

Bevly: Henry Bayly,

John Black,

John Gally,

Jn<sup>o</sup> Woodbery,

Tho: West.

Conc.: Mr Peter Bulkley,

John Haywood,

Thomas Mason.

North Hamp<sup>t</sup>: Tho: Bas-  
come,

Had.: Joseph Balduin.

Newb.: Joseph Plumer,

Benj: Rolfe,

John Poore, Jun.,

Franc Thurlo,

Nicho: Batt,

Job Pilsbury.

Dov.: John Gerrish.

Marb<sup>hd</sup>: W<sup>m</sup> Bartol.

Dorc.: Benja: Leeds.

Henry Haggit,

Dani: Gott,

W<sup>m</sup> Rayner,Jn<sup>o</sup> Batchiler,W<sup>m</sup> Fiske,

John Abbye.

**1670.**

11 October.

[\*660.]

\*The names of such persons as, by this Court, were admitted to be ffreemen,  
[11 October, 1670.]

John Sandford,

John Gipson,

John Warren,

David Cop,

Samuel Worcester,

Nicholas Wallington.

**1671.**

31 May.

[\*676.]

\*Persons admitted by y<sup>s</sup> Court to the freedom of this colony [31 May,  
1671,] were, —

Giles Fyfeild, Charls.

Ric: Asting,

Tho: Hale,

Nath: Frothingham,

Joseph Lynd,

Abr: Smith,

John Call,

Sam: Frothingham,

Mr Alexand<sup>r</sup> Nowell.

Tho: Parkes, Cambr.

Jn<sup>o</sup> Tutle, Lyn.

Mr Josiah Flynt, Dorch.

Antho: Neuton,	Jn <sup>o</sup> Riley.	Edmo: Ranger,	1671.
Hen: Leadbetter,	Tho: Hobbs, Topsf.	Bartho: Toppn,	<hr/>
Rob <sup>t</sup> Spurr.	Paul White,	Jn <sup>o</sup> Temple,	31 May.
James Convers, Wob.	Tho: Noyes,	Jn <sup>o</sup> Farnham,	
Eljazer Jacob,	Jn <sup>o</sup> than Morse.	Jn <sup>o</sup> Moore,	
Mr W <sup>m</sup> Brinsmead,	James Smith, Newb.	Jn <sup>o</sup> Cotte,	
Hen: Collins, Jun.,	John Smith,	Jn <sup>o</sup> Cleavesby,	
Allin Bread,	John Knight, Jun.	Rob <sup>t</sup> W <sup>ms</sup> , .	
Jn <sup>o</sup> Penniman.	Isack Phelps, Westf.	Tho: Overmore,	
Moses Belcher, Brant.	Joseph Whiting.	Mr Jn <sup>o</sup> Saffyn,	
Caleb Hubbard, Hing.	Jonothan Coruin, Salem,	Cap <sup>t</sup> Tho: Lake,	
Josh: Lynclon.	Jn <sup>o</sup> Marston,	Josh: Holdsworth.	
Joseph Balduin, Hadl.	Eliaz <sup>r</sup> Gidney,	Wat <sup>r</sup> : Jn <sup>o</sup> Barnard,	
Noah Coleman.	Jn <sup>o</sup> Maskor,	Sam: Liuermore,	
Fr: Wainewright, Ips.	Tho: Ingolls.	Jn <sup>o</sup> Bright.	
W <sup>m</sup> White,	*3 <sup>d</sup> Cch. Boston: John	Rox.: Sam: Craft.	[*677.]
Isack Foster,	Alden,	Wey.: Ephraim Hunt,	
Sam: Youngloue,	Franc: Robinson,	Jn <sup>o</sup> Rogers.	
Rich: Waker,	Jn <sup>o</sup> Mellowes,	Hau <sup>r</sup> .: Benj: Gage,	
W <sup>m</sup> Story, Jun.,	Jonathan Jackson,	Sam: Gage,	
Arthur Abbot, Jun.	W <sup>m</sup> Hoare,	Rog: Kennicot.	
Rob <sup>t</sup> Allin, Dedh.	James Hill,	Mald.: Sam: Lee,	
Jn <sup>o</sup> Richards,	Jn <sup>o</sup> Marshall,	Tho: Green.	
Nath: Heaton,	Ambrose Daws,	Ips.: Tho: Burnham, Jun.,	
Jn <sup>o</sup> than Fuller.	Ezra Morse,	Tho: Beard,	
Medad Pumrey, North	Jn <sup>o</sup> Lytlefeild.	Jn <sup>o</sup> Bickford, Sñ.	
Hamp.	Ded.: Jn <sup>o</sup> Holton.	Douer: Rob <sup>t</sup> Burnm,	
Jn <sup>o</sup> Barber.	Sud.: Sam: Howe.	James Coffyn,	
Charls Ferry, Spring.	1 <sup>st</sup> Cch. Bosto: Jn <sup>o</sup> Roberts,	Tho: Bill — 96.	

\*Persons admitted to the freedom of y<sup>s</sup> colony at this Court [15 May, 1672] were, —

Mr Vrian Oakes, Camb <sup>r</sup> .	Ephraim Sauage,	Isack Brookes, Woob.	1672.
Mr Joseph Dudley, Rox-	Joseph Wheeler.	Joseph Richardson.	<hr/>
bu,	Mannasseth Becke,	W <sup>m</sup> Ellery, Gloc.	15 May.
W <sup>m</sup> Laking,	Symon Amery,	Tho: Pinney.	[*688.]
Mathias Farnworth,	Tim <sup>o</sup> Thornton,	Ports.: Georg Lauies,	
Jn <sup>o</sup> Morse.	Hen: Allin,	Jn <sup>o</sup> Breuster,	
Joseph Morse, Groaten.	Edw: Grant,	Rob <sup>t</sup> Purrington,	
Nath: Laurence,	James Townsend,	Rich: Shortridg,	
Jn <sup>o</sup> th: Sautell,	W <sup>m</sup> Smith,	Jn <sup>o</sup> Dennet,	
Jn <sup>o</sup> th: Morse.	Sami: Bridge,	Jn <sup>o</sup> Thompson.	
Mr Jn <sup>o</sup> Winslow, Bos-	*W <sup>m</sup> Griggs,	Dou <sup>r</sup> .: Tho: Eggerly,	[*689.]
ton,	Ephraim Searle,	Jn <sup>o</sup> Rand,	
Dani: Henchman,	Abell Porter, Jun.	Jn <sup>o</sup> Dam,	

1672.	Stev. Jones,	Joseph Morse,	Marlb. : Joseph Rice.
15 May.	Jn <sup>o</sup> Wingat,	Nath: Whiting.	[Hing. :] Tho: Chubbuck,
	Tho: Layton.	Rowley: Ezekiel Jewet,	Tho: Lincolne,
	Cambri. : Tho: Olliū,	Abr: Hazeltine,	Jn <sup>o</sup> Beale,
	Natha: Fiske.	Tho: Rimington,	Dani: Cushin,
	Wate <sup>r</sup> : Jn <sup>o</sup> Morse.	Jn <sup>o</sup> Watson.	Mathias Bridges,
	Weym. : W <sup>m</sup> Torrey,	Dedh. : Jn <sup>th</sup> : Fuller.	Joseph Bate,
	Micajah Torrey,	Medfei. : Edw: West.	Benj: Bate,
	Joseph Prat.	Hatfeild : Mr Hope Ath-	Samuell Bate,
	Conc. : Ric: Temple,	erton,	W <sup>m</sup> Hearsy,
	Tho: Deane.	Jn <sup>o</sup> Coleman.	Onesephirus Marsh,
	Gershom Brooks.	Lyn : Thadeus Riddan.	Jacob Beale,
	Medf. : Obadiah Morse,	Salem : Josep Gardiner.	Caleb Beale.
	Jn <sup>th</sup> : Morse,	Wenh. : Rich: Hutton.	

1672. \*Persons at this Court [8 October, 1672] made free were, —

8 October.	Mr Solomon Stoddard,	D <sup>r</sup> Leonard Hoare, Bost.	Eph: Wight,
[*705.]	North Ham.	Tho: Lull, of Ips.	Joseph Croufot, Springf.
	George Lane, Hing.	Sam: Wight, Medf.	Henry Walker, Glocest.

1673. \*The names of such as were, at this Court, [7 May, 1673,] made and admitted to freedome.

7 May.	Mr Peter Lydget,	Mr Jn <sup>o</sup> Walley, m <sup>r</sup> ch <sup>t</sup> ,	Mr Thomas Graues, Ch.,
[*718.]	Mr Samuel Shrimpton,	Lyonel Wheately,	Mr Joseph Broune,
	Mr Elisha Cooke,	Robert Mason,	Mr Sam: Brakenbury, Ch.,
	Mr Eljakim Hutchinson,	John Walley, marri <sup>r</sup> ,	Humphry Bradshaw,
	1 <sup>st</sup> ch., Bost.	Mr John Pole,	Cambr.
	Mr John Vsher,	Rich: Paddeshall,	Samuell Oldam,
	Mr Jn <sup>o</sup> Faireweather,	John Wilkins,	Nath: Robinson.
[*719.]	Mr John Clarke,	John Osborne,	*Rox. : Wm Daus.
	Mr Isack Addington,	Hopestil Foster, 2 <sup>d</sup> ch.	James Day, Ips.
	Mr John Buttolph,	Francis Hudson,	New. : Mr Joseph Gerrish.
	Samuel Bridge,	W <sup>m</sup> Greenow, Jun.	Wey. : Jn <sup>o</sup> Bailly,
	Mr Xtopher Clarke,	Math. Barnard, Bo.	Francis Broune.
	Mr John Joyliffe, 3 <sup>d</sup> ch.	Daniel Travis,	Newb. : Elisha Elsie,
	Mr Edward Willis,	Rich. Bennet,	James Bayly,
	Mr Nathaniel Dau-	Cap <sup>t</sup> Sam: Scarlet,	Dani: Cheny,
	port,	John Anderson, Sen.,	Joseph Broune,
	Tho: Bingley, Bost.	Joseph Cooke.	Sam: Poore,
	Paul Batt,	Obadjah Swift, Dorch.	Moses Pilsbury,
	Timothy Batt,	John Bird,	Benja: Morse,
	Mr John Woodmansey,	Eliaz <sup>r</sup> Hawes,	Sam: Bartlet.
	John Drury,	Joseph Weekes,	And. : Hen: Ingalls,
	James Bracket,	Samuel Topliffe,	Jn <sup>o</sup> Louejoy,
	Mr Edw: Willis,	Jn <sup>o</sup> Whrington,	John Barker.

Dřch. : John Baker,	Tho: Loring,	Dani: Warner,	1673.
Ellis Wood,	Jn <sup>o</sup> Loring,	W <sup>m</sup> Gull.	7 May.
Edw: West.	Jn <sup>o</sup> Lobdell,	Hadl. : Chileab Smith,	
Conc. : Jos. Heyward,	Isack Lobdell,	Jos: Warner.	
Nathan: Billings.	Benj: Loring,	Ports. : Jn <sup>o</sup> Tucker.	
Red. : Abra: Bryant.	Sampson Shoare,	Bev <sup>ly</sup> : Nicho: Wood-	
Hing. : M <sup>r</sup> Gershom	Abra: Jones.	bery.	
Hobbarth,	Tops. : Jn <sup>o</sup> Cumins,	Sudb. : Peter Noyce,	D <sup>a</sup> a 2 <sup>d</sup> time to
James Bate, dđ to Jam <sup>a</sup> Bate,	Isa: Cumins,	John Goodenow.	James Bate.
22 : 2 : 73.	Isack Easty.	Marlb. : Tho: Barnes.	
Clement Bate.	Glo. : Jn <sup>o</sup> Row.	Medf. : James Vales.	
Hull: M <sup>r</sup> Zecha: Whitman,	Lanc. : Nathan: Joselj <sup>n</sup> .	Salem: M <sup>r</sup> Charls Nicho-	
Hing: Bosworth,	Hatf. : Sam: Belden,	late.	

\*Persons admitted to freedom at y<sup>s</sup> Court [15 October, 1673] were, [732.]  
15 October.

Nathaniel Peirce, B. 1 ch. W <sup>m</sup> Coleman, Glo.	Joseph Steevens,
Mathew Atkins, 2 ch. B. Stephen Cooke, Mend.	Samuel Read,
Boaz Broune, Conc.	Danel Lovet,
Ephraim Clark, Medf.	Abra: Staple,

\*Admitted to freedom, 20 Dec., 73. [735.]  
20 December.

John Louejoy,	John Barker,	Henry Ingalls,
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Admitted to freedom, 9 Jan., 73. 1673-4.  
9 January.

Jn <sup>o</sup> Noyes, New.	Abra: Addams,	Nathaniel Brewer, Rox.
Cutting Noyes,	John Badger,	M <sup>r</sup> W <sup>m</sup> Addams, Ded.
John Lunt,	Joseph Gerrish.	Sam: Capen, Dorch <sup>t</sup> .

\*Made free [11 March, 1673-4.] [736.]  
11 March.

Pen Tounsand, B.	Joseph Goodhue,	Nath: Cutler, Ch.
M <sup>r</sup> John Rodgers, Ips.	Joseph Whiple,	James Bacon, Roxb.
M <sup>r</sup> Samuel Cobbet,	Philemon Dane.	Josias Richardson,
Rob <sup>t</sup> Kinsman,	Tho: Fisher, Ded.	Chelmsfo.
Thomas Clarke,	Joseph Pratt, Wejm.	Eliazer Broune,
Daniell Hovey,	Tho: Andrew, Hing.	Jacob Warren.
Abraham Fitt,		



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